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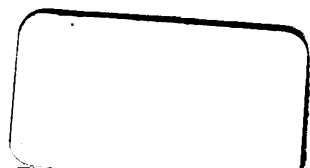


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ACTS

AND

JOINT RESOLUTIONS

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VIRGINIA,

DURING THE

SESSION OF 1895-'96.

RICHMOND:

J. H. O'BANNON, SUPERINTENDENT OF PUBLIC PRINTING.

1895.

GIFT

425669

EVERETT WADDEY CO., PRINTERS.

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ALBION

ACTS AND JOINT RESOLUTIONS.

CHAP. 1.—An ACT authorizing the town of Culpeper to borrow money.

Approved December 10, 1895.

1. Be it enacted by the general assembly of Virginia, That the town council of the town of Culpeper be, and they are hereby, authorized and empowered to borrow for said corporation, for the purpose of completing the erection of the system of water-works in said town, now in process of erection, a sum of money not exceeding fifteen thousand dollars, in addition to the sum of money heretofore borrowed for that purpose, by the issue and sale of the bonds of said corporation for the same as hereinafter provided.

2. Said bonds shall be registered and shall be issued in such denominations, and bear such rate of interest, not exceeding six per centum per annum, as may be determined by said council, said interest to be payable semi-annually. The principal of said bonds shall be payable in thirty years from their date, or upon the call of the said corporation, at any time after the expiration of twenty years from their date. Said bonds shall be signed by the mayor of said town and countersigned by the recorder, and shall be sold or negotiated in such manner as may be prescribed by the council; provided they shall not be sold for less than par value.

3. Said council may select a depository for the money arising from the sale or negotiation of said bonds; provided that they shall require such security therefor as may be approved by the recorded vote of at least two-thirds of all the council elected.

4. The existence of an indebtedness previously contracted shall not prevent the borrowing of such additional sum of money as may be borrowed according to the terms and in the manner hereinbefore set forth.

5. This act shall be in force from its passage.

CHAP. 2.—An ACT to authorize the board of supervisors of Madison county to effect a loan for county purposes.

Approved December 12, 1895.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Madison county be, and they are hereby,

authorized and empowered, at any meeting at which the majority of said board shall be present, to issue coupon bonds in the name of Madison county for a sum not exceeding five thousand dollars in the aggregate, to be negotiated at not less than par, the proceeds thereof to be used for the payment of outstanding county warrants which are unpaid when this act takes effect. The said bonds issued in pursuance of this act shall be for one hundred dollars each, and made payable in instalments of one thousand dollars at five, six, seven, eight and nine years from date of issue. All of said bonds shall bear interest, payable semi-annually, at a rate not exceeding six per centum per annum, and they and the coupons thereto attached shall be signed by the president of the said board of supervisors, be attested by the clerk of the county court of Madison county, and have the seal of the said court affixed thereto. The proceeds of said bonds shall be placed in the hands of the treasurer of the county of Madison, and shall be paid out upon the order of the board of supervisors of said county for the aforesaid purposes.

2. That the debts contracted and evidenced by said bonds shall be levied for by the board of supervisors upon such subjects of taxation as now are or may be liable for the county levy, and that the faith of said county is pledged for the punctual payment of the said bonds principal and interest, as the same shall fall due.

3. This act shall be in force from its passage.

CHAP. 3.—An ACT to ratify and confirm the issue by the city of Fredericksburg of \$30,000 of 5 per cent. water bonds, and also confirming the execution by said city of a deed of trust to secure the payment of said bonds.

Approved December 12, 1895.

1. Be it enacted by the general assembly of Virginia, That the issue by the city of Fredericksburg on the first day of July, eighteen hundred and ninety-five, of thirty thousand dollars of five per cent. water bonds, payable on the first day of January, nineteen hundred and nine, with coupons attached, said coupons payable semi-annually, executed in behalf of said city under its corporate seal, and signed by the mayor and clerk of the common council, be ratified and confirmed, said bonds being each for the sum of one thousand dollars, and issued to redeem thirty thousand dollars of six per cent. water bonds of said city of Fredericksburg, which were redeemable on the first day of January, eighteen hundred and eighty-nine, and payable on the first day of January, nineteen hundred and nine.

2. That the execution of the deed of trust executed by the said city of Fredericksburg under its corporate seal and signed by its mayor and clerk of the common council, dated on the first day of July, eighteen hundred and ninety-five, to secure the said thirty thousand dollars of five per cent bonds; which said deed of trust conveyed the water works of the said city of Fredericksburg and other right

and properties therein mentioned to Saint George R. Fitzhugh and J. Stansbury Wallace, trustees, be, and the same is hereby, confirmed.

3. That the resolutions of the common council of the said city adopted on the first day of April, eighteen hundred and ninety-five, and the twelfth day of June, eighteen hundred and ninety-five, with reference to the issue of said thirty thousand dollars of five per centum bonds, be, and the same are hereby, ratified and confirmed, and especially the waiver by the said city of Fredericksburg of the right, if any exists, to call in and redeem said thirty thousand dollars of five per centum bonds before the maturity of the same, on the first day of January, nineteen hundred and nine.

4. This act shall be in force from its passage.

CHAP. 4.—An ACT to fix the number of the board of directors in a joint stock company where the capital stock does not exceed ten thousand dollars.

Approved December 14, 1895.

1. Be it enacted by the general assembly of Virginia, That hereafter when any joint stock company shall be incorporated under the laws of the State of Virginia, if the maximum of the capital stock of said company shall not exceed ten thousand dollars, the court, or judge in vacation granting the charter, may, in its or his discretion, authorize and fix the directors who are to manage the affairs of the company at the number of three directors, to include the president. This number to hold for the first year and thereafter, unless the stockholders, in general meeting, shall prescribe a different number.

2. This act shall be in force from its passage.

CHAP. 5.—An ACT to amend and re-enact section 1 of an act passed January 30, 1845, entitled an act to incorporate the Augusta female seminary.

Approved December 14, 1895.

1. Be it enacted by the general assembly of Virginia, That the first section of an act passed January thirtieth, eighteen hundred and forty-five, entitled an act to incorporate the Augusta female seminary, be amended and re-enacted so as to read as follows:

§ 1. That for the purpose of facilitating and enlarging the operation of a female school in the city of Staunton and county of Augusta, Francis McFarland, James Crawford, William Beames, Adam Link, John McCue, David Fultz, Addison Waddell, Solomon J. Love, J. Marshall McCue, William Frazier, Alexander S. Hall, William M. Tate, James A. Cochran and Benjamin M. Smith, and their successors be, and they are hereby, constituted as trustees a body poli-

tic and corporate by the name and style of Mary Baldwin seminary; and by that name shall have perpetual succession and a common seal; may sue and be sued; plead and be impleaded; and purchase, receive and hold to them and their successors forever any lands, tenements, rents, goods and chattels of what kind soever which may be purchased by or devised or given to them for the use of said seminary, and to lease, rent, sell or otherwise dispose of the same in such manner as may seem most conducive to the interest of said seminary: provided that the lands, goods and chattels so authorized to be held shall not exceed in amount or value two hundred thousand dollars: and provided also that not less than a majority of the trustees, for the time being, shall be sufficient to authorize the sale of any real estate belonging to said seminary. The said trustees may, upon the recommendation of the principal, confer degrees or honorary titles on former or future full graduates of the seminary who may be deemed worthy.

2. This act shall be in force from its passage.

CHAP. 6.—An ACT to incorporate the town of Clover, in Halifax county.

Approved December 14, 1895.

1. Be it enacted by the general assembly of Virginia, That the town of Clover, in the county of Halifax, as the same has heretofore or may hereafter be laid off into lots, streets and alleys, shall be, and the same is hereby, made a town corporate by the name of Clover, and by that name shall have and exercise the powers conferred upon towns by chapter forty-four of the code of Virginia of eighteen hundred and eighty-seven, and be subject to and governed by the provisions of the said chapter applicable to towns, and all laws which may hereafter be enacted by the general assembly of Virginia for towns, so far as the same are not in conflict with this act.

2. The boundaries of said town shall be as follows: Beginning at a stone near mouth of a cut on the railroad; thence north fifty-two and a half degrees west sixteen hundred and thirty-six feet to a large white oak near Garner's spring; thence north six degrees east fifteen hundred and twelve feet to corner of E. C. Hurt's lot; thence with Hurt's lot north twenty-three and one-half degrees east, three hundred and ninety-six feet to a stone across public road to Mount Laurel on W. G. Morton's land; thence north fifty-nine and one-fourth degrees east eighteen hundred and ninety-four feet to a white oak on W. G. Morton's line; thence south eighty-two degrees east seventeen hundred and sixteen feet to a stake on Coleman's ferry road near John Allen's house; thence south three and one-half degrees west sixteen hundred and fifty feet to a cedar tree at Harriet Smith's old house place; thence south one-half degree west seventeen hundred and sixteen feet to a large white oak on F. A. Waddell's line near the old school-house; thence south forty-seven and

one-half degrees west twelve hundred and sixty-five feet to corner on road to Dryburg below Dr. Wootten's house; thence north sixty-one and one-half degrees west, five hundred and twenty-eight feet to corner on road to Houston near Mary Foster's house; and thence north sixty-eight degrees west one thousand and sixty-three feet to the beginning.

3. There shall be elected on the fourth Thursday in May, eighteen hundred and ninety-six, and every two years thereafter, one elector of the said town, who shall be denominated the mayor, and five electors, who shall be denominated the councilmen of said town, who shall qualify by taking the oath prescribed by law before, and enter upon the duties of their offices, on the first day of July next succeeding their election, and shall hold said offices for the term of two years, and thereafter until their successors are elected and qualified, unless sooner removed.

4. The mayor and said councilmen shall, together, constitute the council of said town; and in the council so composed (four of whom shall constitute a quorum for the transaction of business) shall be vested the corporate powers of the town.

5. The council shall, at its regular meeting in July, eighteen hundred and ninety-six, and every two years thereafter, appoint a sergeant, clerk, assessor, and treasurer, and may appoint policemen and such other officers and agents for the proper conduct and business of the town as they may deem necessary, prescribe their duties, fix their compensation, and require and take from them such bonds, with good security, and in such penalty as they may deem proper, with condition for the faithful discharge of the duties of their offices; provided that if such appointments are not made at the regular meeting in July, then the same may be made at any subsequent meeting. The officers so appointed shall hold their respective offices for the term of two years, unless sooner removed, and thereafter until their successors are appointed and qualified. The same person may, in the discretion of the council, be appointed to and hold at the same time more than one of said offices. The sergeant of said town shall, in addition to the duties that may be prescribed by the council, have the same powers and discharge the same duties as constables, within the corporate limits thereof and to the distance of one mile beyond the same.

6. The council shall have, subject to the provisions of this act and of chapter forty-four of the code of Virginia of eighteen hundred and eighty-seven, applicable to towns, the control and management of the fiscal and municipal affairs of the town, and all property, real and personal, belonging to it, and may make such ordinances, orders, and by-laws and regulations as they may deem necessary to enforce and carry out the powers vested in said council; and in addition thereto the following powers, which are hereby vested in them:

First. To secure the inhabitants from contagious, infectious, or other dangerous diseases.

Second. To regulate the building of stables, privies, and hog-pens; to require and compel the abatement and removal of all nuisances

or anything which, in the opinion of a majority of the council, or in the opinion of the mayor, under an ordinance vesting in him such discretion, is a nuisance within the said town, at the expense of the person causing the same, or the owner or owners of the ground whereon the same may be, the collection of which said expense may be enforced in the same manner as fines due said town; to provide for the drainage of lots by proper drains or ditches; to prevent or regulate slaughter-houses and soap-factories within the said town, or the exercise of any dangerous, offensive, or unhealthy business, trade or employment therein.

Third. To prevent hogs, dogs, cows, or other animals from running at large in the town, and may subject the same and the owners thereof to such levies, taxes, and regulations as they may think proper.

Fourth. To establish and maintain a fire department in the said town and provide for the regulation of the same, and to compel the residents of the town to aid and assist the fire department when necessary. They shall have power to establish fire limits in the said town, within which no building shall be erected without the consent of the council, unless the outer walls thereof be of brick, stone, or some other incombustible material.

Fifth. To prevent the riding or driving of horses or other animals at an improper speed; to prevent the throwing of stones, playing marbles, or engaging in any employment or sports on the streets, sidewalks, or public alleys and grounds; to prohibit and punish the abuse or cruel treatment of horses or other animals in the said town; and to prohibit and punish the tying of horses or other animals to any fence, palings, or other objects on or along the streets and public ways in said town.

Sixth. To restrain and punish drunkards, vagrants, and street-beggars; to prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill fame and gambling-houses; to prevent and punish lewd, indecent, and disorderly conduct or exhibitions in the said town, and expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

Seventh. To prevent any cow, horse, hog, or other animal from injuring or trespassing upon any public square or grounds within the corporate limits of the said town, or grazing thereon, whether the same belong to the State, town, or county, and from injuring or destroying any tree growing in such square or grounds.

7. Where by the provisions of law, the council have authority to pass ordinances on any subject, they may prescribe punishment by fine or imprisonment, or both, for all violations thereof: provided that in no case shall the fine exceed fifty dollars or the imprisonment sixty days. Fines may be recovered with cost upon warrants issued in the name of the town of Clover before the mayor or any councilman of said town. Whenever judgment is rendered against any person for a fine, the officer trying the offender may require immediate payment thereof, and in default of such payment may com-

mit the party so in default to jail until such fine and cost be paid, or may compel him to work out such fine and cost on the public streets or ways or other improvements of said town upon such terms as the council may by ordinance prescribe. All fines for the violation of the ordinances of said town shall be paid into the treasury thereof, and be appropriated as the council may determine.

8. Until a jail or prison-house is provided for said town by the council thereof they shall have the use of the jail of Halifax county for the safe-keeping and confinement of all persons sentenced to imprisonment under the ordinances or by-laws of the said town.

9. Any person applying to the county court of Halifax county for license to sell spirituous liquors, wines, beer, ale or porter, or any mixture thereof, within the corporate limits of the town of Clover or within one mile of the corporate limits of said town, shall produce before the court of the said county a certificate of the council of said town to the effect that the applicant is a suitable person, and that no good reason is known to the council why the license should not be granted. And the said court shall not grant any license to sell liquors within the said limits until and unless such certificate be given.

10. To meet the expenditures that may be lawfully chargeable to the said town, the council may annually levy a town levy of so much as in its opinion may be necessary upon all taxable persons and property, resident or situate within the said town not exempted from taxation by the laws of the state: provided that a capitation tax not greater than fifty cents per head on the male inhabitants of the said town over the age of twenty-one years may be levied in any one year: and provided, further, that the tax so to be levied on the real and personal property within the said town do not exceed fifty cents on the one hundred dollars of the assessed value thereof for any one year.

11. The council of said town may impose, levy and collect a license tax on all persons doing business in said town, and upon any person or employment therein which it may deem proper, whether any tax be imposed thereon by the state or not. As to all such persons or employment the council may lay a direct tax, or may require a license therefor, under such regulations as it may prescribe, and levy a tax thereon.

12. The council may, in the name of and for the use of the said town, contract loans and issue bonds therefor, bearing interest at the rate of six per centum per annum, payable semi-annually and redeemable in thirty-four years or less, which bonds shall not be sold at less than their par value, and the said bonds shall be exempt from taxation by the said town: provided the council shall not contract any loan or issue bonds therefor unless the same be authorized by a vote of the resident freeholders of said town and a majority of the vote be in favor thereof; and provided, further, that in no case shall the aggregate debt of the said town at any one time exceed seven and a half per centum of the assessed value of the property, real and personal, within the corporate limits of the said town; and in any election held under this section the order therefor shall state the object for which the money is to be used.

13. The council of said town may pass all by-laws, rules, and ordinances, not repugnant to the constitution and laws of the state, which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and to do such other things, and pass such other by-laws and ordinances, as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction which is, or shall be, granted to or vested in said town, or in the council or officers thereof, or which may be necessarily incident to a municipal corporation.

14. The corporate limits of the town of Clover shall constitute a school district, and the council shall appoint, as soon as it may deem expedient, three trustees for the public schools to serve one, two, and three years, respectively, and annually thereafter it shall appoint a school trustee to serve three years.

15. From and after this act goes into effect, and until the councilmen and mayor to be elected under its provisions shall have been elected and qualified, J. M. Pollard, George M. Allen, W. H. Heidelberg, C. A. Gregory, and A. V. Womack are hereby appointed councilmen, and W. G. Morton, mayor, and may qualify before any justice of the peace of Halifax county, and thereupon shall constitute the council and mayor of the said town of Clover, and may organize and perform the duties of said council and mayor.

16. This act shall be in force from its passage.

CHAP. 7.—An ACT to incorporate the town of Mount Crawford, in the county of Rockingham.

Approved December 14, 1895.

1. Be it enacted by the general assembly of Virginia, That the territory contained within the limits set forth and described in section second of this act be deemed and taken as the town of Mount Crawford, and the inhabitants of the town of Mount Crawford, for all purposes for which towns are incorporated in this commonwealth, shall be a body politic in fact and in name, under the denomination of the town of Mount Crawford, and as such shall have and exercise and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations incumbent upon and pertaining to said town as a municipal corporation.

2. The boundaries of said town shall be as follows, namely: Beginning at the ford crossing North river below Plecker's bridge; following north side of road to Valley turnpike, crossing turnpike to line between J. W. Sherman and Mrs. S. Craun's property; thence on this line to Cook's creek, following up the channel of said creek to culvert at corner of Benjamin Switzer's barn-yard; thence following J. A. Switzer's line to a corner between J. A. Switzer and Wil-

liam Branson; thence crossing road, following line between J. B. Roller and Baptist church to a point in Peter Roller's property on a line with Bridgewater road; from this point to intersection of Bridgewater road and Valley turnpike; from this point a direct line to a point dividing the lands of Samuel Whitmer and Daniel Landes; following this line to river, then down channel of river to the ford at the beginning.

3. The government of said town shall be vested in a mayor and six councilmen, who shall be residents of and voters in said town, to be chosen annually by ballot on the second Thursday of June of each year, their term of office to begin on the first day of July following. Any person entitled to vote in the county of Rockingham, and residing in the corporate limits of the town of Mount Crawford three months previous to any election, shall be entitled to vote at all elections under this act of incorporation. There shall be ten days' notice given of all elections by posting notices at three or more public places in said corporation. The mayor shall appoint three qualified voters who shall preside as judges at corporation elections, and who shall have the right to appoint two clerks of election, and shall hold said elections between the hours of one and five o'clock post meridian. In case where it cannot be decided who has the largest number of votes by reason of a tie, one of the said clerks shall decide by lot, in the presence of three judges aforesaid. Immediately after each election the recorder shall make out and deliver to the mayor and council certificates of their election. In case a vacancy shall occur in any municipal office, the council shall elect a qualified person to fill the office for the unexpired term. The mayor and councilmen of said town, before entering upon the duties of their offices, shall be sworn in accordance with the laws of the state. The mayor and three of the councilmen shall constitute a quorum to do business. They shall appoint their time of meeting, which shall be once at least in every month, and when necessary the mayor or any three councilmen may call a meeting. In the absence of the mayor, one of the councilmen shall preside as mayor pro tempore. The mayor and council shall have and exercise all the rights and powers conferred upon said officers by this act until their successors in office are duly elected and qualified under the provisions of this act.

4. The said council shall select from their own number a treasurer and a recorder, and from the qualified voters elect a town sergeant and a commissioner of revenue. The treasurer shall execute his bond before he enters upon the duties of his office in a penalty double the amount of the revenue of the said town the preceding year for the faithful discharge of his duties. The sergeant, elected as aforesaid, before he enters upon the duties of his office, shall execute his bond, with security to be approved by the council, in a sum double the amount of the revenue of the said town the preceding year, and conditioned for the faithful discharge of the duties of his office. The commissioner of the revenue shall perform all the duties in relation to the assessment of property for the purpose of levying the town taxes that may be ordered by the council.

5. The council of the said town shall have all of the general powers vested in it by the laws of the state, and it shall also have the power to mark accurately the bounds of existing streets, and to compel the removal of obstructions therefrom, to close or extend, widen or narrow, lay out and graduate, pave and otherwise improve streets and public alleys in the town; and for these purposes, upon first paying a just compensation therefor, it may take such private property as may be necessary; and no order shall be made, and no injunction shall be awarded by any court or judge to stay the proceedings of the town in the prosecution of such works, unless it be manifest that the interposition of a court is necessary to prevent injury that cannot be repaired in damages. The method of ascertaining what will be a just compensation for private property thus taken shall be as follows: After reasonable notice in writing by the recorder of the council to the owner of the freehold whose property is proposed to be taken, or to his tenant or agent, the mayor of the town shall, at the time and place mentioned in said notice, proceed to appoint two freeholders of the town as commissioners, one of whom may be nominated by the owner of the freehold, or by his tenant or agent, if either be present, whose duty it shall be to view the property proposed to be taken, and ascertain what will be a just compensation therefor, and to the damage to the residue of such owner's property, beyond the peculiar benefits to be derived in respect to such residue from the work to be done. The said commissioners, if they cannot agree, may select a third freeholder as commissioner to act with them, and shall, as soon as possible, report their proceedings to the council. When such a report has been returned the council may, by a majority of its members, either reject or accept said report. If the report be rejected the council may refer the matter to another commissioner, appointed in the same way and for the same purpose as the first. If the report be confirmed, the amount ascertained by it to be a just compensation for the property, shall be paid to those entitled thereto before work shall be begun on or through said property.

6. The said council shall have the power to provide against and prevent accidents by fire, to regulate and establish markets, to prevent the running at large of hogs, dogs, horses, cows or other animals; to prevent the cumbering of streets, sidewalks and alleys in any manner whatever; to make sanitary regulations in reference to contagious or other diseases; to regulate the building of houses, stables, privies, hog-pens and slaughter-houses; to abate nuisances at the expense of those who cause them; to appoint police and prescribe their duties and compensation, and to make, pass and ordain such laws as they may deem necessary and proper for the internal and general good, safety, health and convenience of the said town and inhabitants thereof, and for enforcing the provisions of this charter. They shall punish all violations of law by fine or imprisonment, or both, at the discretion of the mayor, subject to the general laws of this state. The authorities of said town shall have the use of the county jail of Rockingham county for the safe-keeping and confinement of all persons who shall be sentenced to imprison-

ment under the ordinances of said town. Whenever judgment shall be rendered against any person for fines, and there are no visible effects which the sergeant may distrain and sell therefor, the person so in default may be compelled to work out such fines on the public streets or other improvements, and to suffer in addition such terms of imprisonment as may be prescribed by the ordinances of said town.

7. The corporate limits of said town are hereby created and declared to be a separate and distinct road district of Rockingham county, and no road tax shall be levied on any property within said limits, except by the council of Mount Crawford, which tax shall be expended within the limits of the corporation on the streets and roads therein, exclusive of the bridges across North river and Cook's creek, under the supervision and direction of the town council. For his services, any overseer of roads and streets, appointed by the council of the town, shall be entitled to such compensation as the council may agree to pay. The council shall have control of all streets and roads within the corporate limits of said town, subject, however, to the charter rights of the Valley turnpike company.

8. The council shall have power to levy such taxes as it may deem necessary for the purposes of the corporation: provided that no tax upon the real and personal property in said town shall exceed fifty cents on the one hundred dollars assessed value thereof; and provided, also, that no such tax shall be levied upon the lands, stock of any kind, utensils or implements within the limits of said corporation which are used strictly for farming purposes; but this proviso is not intended to apply to milch cows, horses and other animals in domestic use, nor to lands when laid off or sold as town lots.

9. The jurisdiction of the corporate authorities of said town shall extend one mile beyond the limits thereof for imposing and collecting a license tax upon all shows, performances, and exhibitions which may take place anywhere within said extended boundaries; and they shall also have the power of imposing a license tax upon bowling, billiard, and bagatelle saloons, or on any similar game or play recognized or taxed by the laws of the state, anywhere within the said extended boundaries.

10. Any person applying to the county court of Rockingham county, or any other authority, for license to sell wine, ardent spirits, or liquors of any kind, either as a keeper of an ordinary, eating-house, or as merchant, within the corporate limits of said town, or within one mile thereof, shall produce and present to said court a certificate of the council of said town, signed by a majority of the council, to the effect that the applicant is a suitable person, and that no good reason is known to said council why said license should not be granted; and the court of said county, or other authority, shall not grant any license to sell liquors, wines, or ardent spirits within the limits above prescribed, until and unless such certificate is given.

11. The mayor shall be the presiding officer of the council, and he shall have power to suspend any officer of said corporation for neglect of duty or disorderly conduct. The council shall have power to remove all officers, and may fine members of their own body for dis-

orderly behavior, and with the concurrence of two-thirds expel a member. The mayor shall have no vote except in the case of a tie. The mayor shall have the authority and be vested with all the powers of a justice of the peace within the precincts of said town and for one mile around the corporate limits thereof, and shall have like powers with a justice of the peace to commit any person charged with an offence before him to the county jail, or let to bail on recognizance to appear before the county court.

12. The sergeant of said corporation shall have the like powers of a constable of said county to pursue and arrest anywhere in said county of Rockingham all offenders for offences committed within the last aforementioned corporate limits, and to convey any one so ordered to be committed to the county jail, there to be dealt with as if committed by a warrant of a justice of the peace.

13. Any member of the council being voluntarily absent from three consecutive meetings, his seat shall be deemed vacant, and the unexpired term filled according to law.

14. The town council shall grant and pay to all officers elected or appointed in pursuance of this act such salaries or compensations as the said council may from time to time deem just and proper, or shall be fixed by this act.

15. The following named persons are hereby appointed as mayor and councilmen of said town: H. M. Rogers is appointed mayor; M. Lindon, W. E. Shinnick, D. M. Shipplett, G. W. Showalter, J. C. Wise, and J. A. Helms are appointed councilmen; and the said mayor and councilmen shall have and exercise all the powers granted to said officers by the provisions of this act, and shall continue in office until the first day of July, eighteen hundred and ninety-six, or until their successors are duly elected and qualified according to law.

16. Be it further enacted, That all acts and parts of acts concerning the town of Mount Crawford, in the county of Rockingham, which are in conflict or contrary to the provisions of this act shall be, and the same are hereby, repealed.

17. This act shall be in force from its passage.

CHAP. 8.—An ACT to amend and re-enact an act approved February 4, 1892, entitled an act for the protection of deer in the counties of Bland, Tazewell, Smyth and Wythe.

Approved December 14, 1896.

1. Be it enacted by the general assembly of Virginia, That an act approved February the fourth, eighteen hundred and ninety-two, entitled an act for the protection of deer in the counties of Bland, Tazewell, Smyth and Wythe, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person in the counties of Bland, Tazewell,

Smyth and Wythe to kill or capture any deer, or chase any deer with dogs with intent to kill the same (such deer not being his own, tamed or inclosed in a park,) between the first day of January and the fifteenth day of November of each year.

2. Any person violating the provisions of this act shall be fined not less than ten nor more than twenty dollars.

3. This act shall be in force from its passage.

CHAP. 9.—An ACT to incorporate the town of Belle Haven, Accomac county.

Approved December 14, 1895.

1. Be it enacted by the general assembly of Virginia, That the settlement of Belle Haven, in Accomac county, as the same is now, and shall hereafter be, laid off into lots, squares, streets, and alleys, be, and the same is hereby, made a town corporate by the name of Belle Haven, and by that name shall have and exercise all the powers conferred on towns of less than five thousand inhabitants by the code of Virginia, and to all laws now in force, or which may hereafter be enacted, in reference to towns of less than five thousand inhabitants, so far as the same are not inconsistent with the provisions of this act.

2. The limits of said town shall be as follows: Beginning at Occohannock creek and running east along the line dividing the farm of H. F. Killman and the farm known as Whitehaven to the main county road; continuing in same direction along the line dividing the lands of William E. Brickhouse and S. S. Kellam to a large pine tree, turning thence at right angles and running south in a direct line to and continuing along a ditch, on the east edge of the lands known as the King field, to a hickory tree on the corner of the lands belonging to N. A. Smith; from thence continuing in a southeasterly direction to and crossing the boundary between Accomac and Northampton counties to a large pine on the south edge of the farm of James A. Smith, then turning in a westwardly direction and following the dividing line between the lands of the above-named James A. Smith and William J. Mapp to the main county road, turning northwardly and continuing along above-named road to and following in a westwardly and northwestwardly direction, respectively, the lands belonging to John H. Ashby to the branch forming the boundary line between Accomac and Northampton counties, following said branch to Occohannock creek, continuing along north and east edge of said creek to the point of beginning.

3. The government of said town shall be vested in a mayor, recorder, seven councilmen, and such other officers as may be provided for by the mayor and council. William J. Rue is hereby appointed mayor thereof; S. B. Ward, recorder; and James T. Walkley, V. J. Stewart, S. P. Ward, N. A. Smith, A. D. Doremus, L. J. Kellam and John H. Johnson are hereby appointed councilmen thereof; and the

said mayor, recorder and councilmen shall have and exercise all the powers hereinafter granted to said officers; and shall continue in office until the first day of July, eighteen hundred and ninety-six, and thereafter, until their successors shall be elected and qualified according to law, a majority of whom shall constitute a quorum for the transaction of business. The mayor, recorder and councilmen shall compose the town council.

4. The election for mayor, recorder and councilmen shall be held on the fourth Thursday in May, eighteen hundred and ninety-six, and on the fourth Thursday in May in every second year thereafter. Such election shall be held at a designated place in the said town, and conducted under the supervision of three commissioners appointed by the council for the purpose. Within two days after any election has been held under this act, the commissioners who conducted the same shall certify the names of the persons elected to the clerk of the county court of Accomac county, and to the officers elected, which certificate shall be entered among the records of said county and corporation.

5. In all elections for the officers of this corporation, all persons who are by the laws of this state entitled to vote for members of the general assembly, and who shall have resided in the said town for three months next preceding the day of election then to be held, shall be entitled to vote.

6. The persons to be elected under the provisions of this act shall be inhabitants of said town; and it shall be their duty, on or before the first day of July next after their election, to take and subscribe the oaths required by law to be taken by county and district officers before a justice of the peace or a notary public of Accomac or Northampton counties, and they shall enter upon the discharge of their duties as such officers on the first day of July next after their election, and hold office for a term of two years and until their successors are elected or appointed and qualified. The oaths taken and subscribed under this section shall be filed with the records of said town.

7. When from any cause a vacancy may occur in the office of mayor, recorder or councilmen, the town council shall, by a vote of a majority of such as remain, fill such vacancies from the citizens of the town eligible to the office under this act.

8. The mayor of said town shall take care that the ordinances, resolutions and by-laws of the town council are faithfully executed. He shall be ex-officio a conservator of the peace within the said town, and shall, within the same, exercise all the powers and duties vested by law in justices of the peace in civil cases. He shall have power to render judgment and issue executions in all matters wherein he has jurisdiction by reason of the authority vested in him under this act; and in all matters where it may be necessary to carry into effect the purposes of this act, said town authorities shall have the right to use the jail of Accomac county for that purpose.

9. The mayor, recorder, and any four councilmen, or the mayor or recorder and any five councilmen, or in the absence of both mayor and recorder, any six councilmen, shall constitute a quorum to do

business. The mayor shall preside at the meetings of the council. In his absence the council shall select one of their number to preside, and the proceedings shall be signed by the person presiding. If at any meeting the recorder be absent, the person presiding shall appoint some other person to discharge the duties of the recorder for that meeting.

10. The town council shall cause to be kept in a journal an accurate record of all its proceedings, which shall be open to the inspection of any person residing in said town. The mayor and recorder shall have votes as members of said council, and the person presiding at the time of any tie vote shall have the casting vote.

The recorder shall attend all meetings of the council, keep a journal of its proceedings, have charge of and preserve the records of the town, and perform such other duties as the council may prescribe.

11. It shall be the duty of the town council, at their first meeting after their appointment or election, or as soon thereafter as practicable, to appoint a sergeant, who shall hold his office during the term of the council which elected him and until his successor is duly elected and qualified, and who shall, within the limits of said town and two miles beyond said limits, have the powers and be subject to all the laws applicable to constables by the laws of this state and not inconsistent with the provisions of this act.

The town council shall require of said sergeant a bond in such penalty and with such conditions and such sureties as it may prescribe, which bond shall be filed with the records of said town and a copy thereof, certified by the mayor, recorded in the bond-books of the county court of Accomac county; and said sergeant shall take and subscribe the oaths required by law of county and district officers, and execute the bond required by the town council before entering upon the duties of his office.

12. It shall be lawful for said council to make and pass orders, by-laws, ordinances, and resolutions for the government of said town, so the same be not contrary to the laws and constitution of this state and of the United States; and for the violation of the same to prescribe reasonable fines, but in no case to exceed fifty dollars.

13. To meet any expenditures that may be necessary and chargeable to said town for any purpose, the town council may, at such times as it may seem proper, levy a town levy of so much as in its opinion may be necessary upon all persons and property in said town not exempt from taxation by the laws of this state; provided that a capitation tax greater than one dollar per head on all male inhabitants of said town over the age of twenty-one years shall not be levied in any one year; and provided further that the tax levies on all property shall not exceed twenty-five cents on every hundred dollars of the assessed value of the property in the town in any one year; provided, however, that said council, by a two-thirds vote of the entire council, may exempt any real or personal estate used for manufacturing purposes, or other enterprises, from all municipal taxes for a period of not exceeding five years at a time, if it shall deem it expedient to do so, in order to encourage the establishment of any enterprise in said town.

14. The town sergeant shall have power to collect the town taxes, fines, and levies, and one month after the time he shall have received the book of the assessor of said town to distrain and sell therefor in like manner, as now provided by law for the collection of state taxes, and shall have the same powers as constables and county treasurers to enforce the collection and payment of such taxes, fines, and levies and executions issued by the mayor in civil causes; and such sergeant may at any time be removed by said council for any neglect or default in duty or for failure to properly account for any money in his hands, as the counsel may direct.

15. There shall be a lien on all real estate for town taxes and levies assessed thereon from the commencement of the year from which they are assessed, and the town council may order and require real estate within said corporate limits, delinquent for the non-payment of town taxes thereon, to be rented or sold by the sergeant at public auction, and at some public place in said town, for the arrears, with interest, with such a per centum as said council may prescribe for all costs and charges, and the surplus, if any, shall be paid to the person entitled thereto; but before offering such delinquent real estate for sale or rent, the time, terms, and place of sale, the amount due thereon, and person in whose name the same is charged, shall be advertised by posting notices at the front door of the court-house of Accomac county and at three or more public places in said town for at least thirty days. Said council shall fix a time within which such property may be redeemed by any person who has an interest in such property, or as creditor for such person; and if there be a failure to redeem within the time prescribed by said council, the recorder of said town shall make conveyance of the real estate so sold in the manner as now provided by law for conveyance by clerks of courts of lands sold for taxes, and such conveyance shall operate to pass whatever title the party charged had in such property. The lien for town taxes and levies and any conveyance under this section shall be subject to the lien of any state and county taxes and all prior liens of every kind belonging to any individual, firm, or corporation, due on the real estate upon which such lien is, or which may have been, so conveyed.

16. The said town and taxable persons and property therein shall be exempt and free from the payment of any road tax until after said town shall have failed, at its own expense, to keep its streets in order.

17. The county courts of Accomac or Northampton, or the circuit court of the eighth district, shall in no case grant license to any person for the sale of liquors, wines, beer or other alcoholic stimulants within the corporate limits of said town, or within one mile of same, unless such person shall present a certificate from said town council certifying that such person is a suitable person for the business, and that the place where such business is proposed to be conducted is suitable, convenient and appropriate.

18. The persons named in the third section of this act shall, immediately after their appointment hereunder, take the oath of office required by section sixth of this act; and if any fail to so qualify,

those who do so qualify shall appoint other inhabitants from said town in their room and stead.

19. The town council may levy a tax on or license to agents of insurance companies; to theatrical or other performances or shows; to keepers of billiards or pool tables or ten-pin alleys; to other persons engaging in any other business for which a license may be required by the laws of the state.

20. This act shall be in force from its passage.

CHAP. 10.—An ACT to prevent the extermination of partridges, or quails, and woodcock, in the county of Franklin.

Approved December 14, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to kill or capture any partridges, quail or woodcock, in the county of Franklin, for the period of two years, or to offer for sale or buy any partridges, quail or woodcock, so unlawfully killed or captured in said county within the aforesaid period.

2. Any person violating this act shall be deemed guilty of a misdemeanor, and fined ten dollars for each offence and imprisoned in jail until the fine be paid, but not exceeding thirty days. In each case one-half of the fine shall go to the informer.

3. In any prosecution of a person for a violation of this act, proof of the possession of any such birds shall be prima facie evidence of his guilt.

4. The operation of section two thousand and seventy-nine of the code of eighteen hundred and eighty-seven, so far as it relates to this particular game, and is in conflict with this act, is hereby suspended in the county of Franklin for the period of two years.

5. This act shall be in force from its passage.

CHAP. 11.—An ACT to authorize the city of Charlottesville to issue bonds to redeem certain outstanding bonds of said city, and for other purposes, and to convey in trust its water-works, and gas and light-works, to secure the payment of said bonds.

Approved December 14, 1896.

Whereas the city of Charlottesville has been authorized by a vote of the council and people of said city, taken in pursuance of section twenty-three of the charter of said city, to refund its outstanding water bonds, amounting to ninety-one thousand dollars, and its outstanding gas bonds, amounting to sixteen thousand and two hundred and fifty dollars, in bonds bearing a lower interest, and to issue and

negotiate thirty-five thousand dollars of bonds to be used in paying off a deficit, and in the improvement of Main and other streets;

And whereas the said city desires to issue these bonds at the lowest possible rate of interest:

1. Be it enacted by the general assembly of Virginia, That the city of Charlottesville be, and is hereby, authorized to issue its negotiable coupon bonds to the amount of one hundred and forty-two thousand two hundred and fifty dollars, in such form and of such denominations as said city has determined or may determine for the purposes specified in the preamble of this act. But those of said bonds issued for the purpose of refunding bonds now outstanding shall be issued only when and as outstanding bonds of an equal or greater amount are called in, paid and cancelled, so that the debt of said city shall not be increased by said refunding.

2. That the city of Charlottesville is authorized to execute and deliver a deed conveying all of said city's interest in its water-works and gas and light-works to a trustee or trustees to be held in trust to secure the payment of the principal and interest of the said one hundred and forty-two thousand two hundred and fifty dollars of bonds; said deed of trust to be recorded in the office of the clerk of the corporation court of the city of Charlottesville, and in the office of the clerk of the county court of the county of Albemarle.

3. That this act shall be in force from its passage.

CHAP. 12.—An ACT to authorize the United States government to acquire title and jurisdiction to a tract of land in the county of Norfolk on the southern branch.

Approved December 16, 1895.

Whereas it has been represented to the general assembly of Virginia that the United States have or are about to acquire title to a tract of land on the southern branch of the Elizabeth river, known as the "Cocke Farm," in the county of Norfolk, state of Virginia, embracing about fifty acres, more or less, of land for the purpose of locating and constructing magazines, store-houses and residences, and for governmental purposes, with appurtenances thereto: therefore,

1. Be it enacted by the general assembly of Virginia, That the consent of this commonwealth be, and is hereby, given to the acquisition of said title, and jurisdiction is hereby ceded over the said tract of land to the government of the United States, so that Congress and the authorities of the federal government, shall have all lawful power and control over the same, as is specified in the seventeenth clause of the eighth section of the first article of the constitution of the United States.

2. This state retains jurisdiction over the said tract of land in all matters relating to the violation of the laws of the state, to the execution and service of all processes issued by or from the courts, magistrates and other state officers, in pursuance of law, and in all

other matters, not incompatible with the consent herein given and the rightful authority of the United States thereby acquired, or to be acquired under this act.

3. The said land and privileges hereby ceded, and the magazines, store-houses and residences with appurtenances thereto, which may be erected thereon by the United States government, are hereby exempted from all taxation so long as the same shall be held and used by the United States for the purpose hereinbefore mentioned, and no longer.

4. Should the property herein granted be used for any other purposes than those specified herein by the United States government, or under its authority, then the same shall be subject to taxation as other property in this state.

5. This act shall be in force from its passage.

CHAP. 13.—An ACT to amend and re-enact chapter 21 of the acts of the extra session of the general assembly of 1887, approved March 30, 1887, incorporating the Mercantile club, and to change the name to the Jefferson club.

Approved December 16, 1896.

1. Be it enacted by the general assembly of Virginia, That chapter twenty-one of the acts of the extra session of the general assembly of eighteen hundred and eighty-seven, approved March thirtieth, eighteen hundred and eighty-seven, incorporating the Mercantile club, be amended and re-enacted so as to read: That Myer Heller, D. Mittledorfer, William Lovenstein, Julius Straus, E. Raab, F. S. Myers, Philip Whitlock, Henry Rosenheim, I. H. Kaufman, E. Bottigheimer, Jos. L. Levy, Sol. L. Bloomberg, M. S. Block and such other persons as are now associated as the Mercantile club, and the members of the Jefferson literary and social circle, and such other persons as may hereafter become associated with them, are hereby constituted a body corporate, by the name of the Jefferson club, to be located in the city of Richmond, for the promotion of literature and social enjoyment, and for the purpose of maintaining a library and reading room.

2. The said corporation may contract and be contracted with, sue and be sued, and shall have the power to make and adopt a constitution and by-laws, rules and regulations for the admission and expulsion of members and their government; the election of its officers and to define their duties; and for the safe-keeping and protection of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules and regulations: provided that the same be not inconsistent with the constitution and laws of the United States or of the state of Virginia.

3. The said corporation may purchase, lease, hold or dispose of any real or personal estate, provided they shall not hold any real estate exceeding one acre of land; and said corporation may borrow money

upon its property, both real and personal, and may issue bonds, with interest coupons attached, therefor, and may secure the same by deed of trust, mortgage, or otherwise. All taxes due by this corporation shall be paid in money and not in coupons.

4. This act shall be in force from its passage, and be subject to amendment, alteration or modification at the pleasure of the general assembly.

CHAP. 14.—An ACT to amend and re-enact section 2224 of the code of Virginia relating to the prohibition of marriage within certain degrees.

Approved December 17, 1895.

1. Be it enacted by the general assembly of Virginia, That section twenty-two hundred and twenty-four of the code of Virginia be amended and re-enacted so as to read as follows:

§ 2224. Marriage within certain degrees prohibited.—No man shall marry his mother, grandmother, step-mother, sister, daughter, granddaughter, half-sister, aunt, son's widow, wife's daughter, or her granddaughter or step-daughter, brother's daughter, or sister's daughter. But this section shall not be construed as prohibiting a man from marrying an aunt of his former wife. If any man have heretofore married his brother's widow, or the widow of his brother's or sister's son, or his uncle's widow, such marriage is hereby declared to be legal and valid, and exempt from the penalties prescribed by existing laws.

2. This act shall be in force from its passage.

CHAP. 15.—An ACT to permit Thos. Gant Alderson to obtain license to practice law in the courts of Virginia.

Approved December 17, 1895.

1. Be it enacted by the general assembly of Virginia, That any two judges of courts of this state, except judges of county and corporation courts, may grant to Thomas Gant Alderson a license to practice law in the courts of this state, if, on actual examination by such judges, he shall be found by them to be duly qualified, and shall produce to them a certificate from the court of any county or corporation in this state, that to the personal knowledge of the judge of such court, or from the information of creditable witnesses, testifying on oath before such court, the court is satisfied that said Thomas Gant Alderson is a person of honest demeanor, and is over twenty years of age.

CHAP. 16.—An ACT to empower the school board of Battletown district, Clarke county, to borrow money to erect a school-house.

Approved December 18, 1895.

1. Be it enacted by the general assembly of Virginia, That the Battletown district school board of Clarke county be, and is hereby, authorized and empowered to borrow, upon the faith and credit of said Battletown district, a sum not exceeding five thousand dollars, and to issue bonds for the same, bearing interest at a rate not exceeding six per centum, payable annually or semi-annually, for the purpose of erecting and furnishing in the town of Berryville, a school-house for the public free school, known as the Berryville high-school; said bonds to be issued in such amounts and payable at such time or times, upon such conditions as said board may see fit to impose. The board of supervisors of said county of Clarke, at the request of said district school board, shall embrace in its annual district (Battletown) levy a sum sufficient to pay the annual interest on said bonds and to provide a sinking fund, which shall be held and applied by said district board to the payment of the principal of said bonds; provided, however, that said levy by the supervisors shall not exceed ten cents on every hundred dollars of taxable property within said Battletown district.

2. This act shall be in force from its passage.

CHAP. 17.—An ACT to allow the Charlottesville and University street-railway company to change its name to the Charlottesville city and suburban railway company.

Approved December 18, 1895.

1. Be it enacted by the general assembly of Virginia, That the Charlottesville and University street-railway company, incorporated by an act of assembly approved March thirtieth, eighteen hundred and eighty-seven, may, with the consent of its board of directors, change its name to the Charlottesville city and suburban railway company: provided a copy of the order of the board of directors making such change shall be filed in the office of the secretary of the commonwealth.

2. This act shall be in force from its passage.

CHAP. 18.—An ACT to authorize the board of supervisors of Greenville county to issue bonds in payment for a new fire-proof clerk's office and fire-proof furniture for same.

Approved December 18, 1895.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Greenville county be, and they are hereby, authorized and empowered to issue bonds in the name of Greenville county for a sum not exceeding four thousand dollars, to pay a debt contracted by the county for the erection of a new fire-proof clerk's office and fire-proof furniture for the same.

2. The bonds so issued shall be coupon bonds, with the privilege of registration on the part of the holder thereof, in the denomination of one hundred dollars each, and shall bear interest at a rate not exceeding six per centum per annum, payable annually, and shall be dated as of December fifteenth, eighteen hundred and ninety five. The said bonds shall be made payable in instalments of not more than five hundred dollars per annum, until the entire issue is paid. The said bonds shall be signed by the chairman, and attested by the clerk of the board of supervisors of Greenville county, with the seal of said board attached. And said bonds shall not be sold at less than par.

3. This act shall be in force from its passage.

CHAP. 19.—An ACT to repeal an act entitled an act to impose a special license on dealers in cast-off clothing in the counties of Accomac and Northampton.

Approved December 19, 1895.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to impose a special license on dealers in cast-off clothing in the counties of Accomac and Northampton, approved March seventh, eighteen hundred and ninety-four, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 20.—An ACT to permit S. Grenell to erect a breakwater alongside of the wharf at North End on Rappahannock river.

Approved December 19, 1895.

1. Be it enacted by the general assembly of Virginia, That S. Grenell, of Middlesex county, be, and he is hereby, authorized and permitted to erect a breakwater alongside of the wharf at North End on Rappahannock river: provided that such breakwater shall

not obstruct or impair free navigation in said river, and also that this act shall be subject to amendment, modification, or repeal at the pleasure of the general assembly.

2. This act shall be in force from its passage.

CHAP. 21.—An ACT to allow Mrs. W. C. Corson to draw from the treasury of the state any salary due the estate of Wm. C. Corson, deceased, and to authorize the auditor of public accounts to pay the same.

Approved December 19, 1895.

Whereas W. C. Corson, late superintendent of schools of Cumberland county, has departed this life intestate; and whereas there is due the estate of the said W. C. Corson by the state a balance of salary due him as such superintendent; and whereas the widow of said W. C. Corson, deceased, is desirous of drawing said balance of salary, and saving the cost of administration:

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts of Virginia, be, and he is hereby, authorized and directed, out of any funds in the treasury not otherwise appropriated, to pay to Mrs. W. C. Corson, the balance, if any, of any salary which may be due the estate of the late W. C. Corson as superintendent of schools of Cumberland county, and to draw a warrant on the treasurer of the state for the same.

2. This act shall be in force from its passage.

CHAP. 22.—An ACT to prescribe the mode by which unpaid subscriptions to joint-stock companies may be recovered by said companies, their receivers, or assignees.

Approved December 19, 1895.

1. Be it enacted by the general assembly of Virginia, That all suits or motions for the recovery of unpaid subscriptions to the stock of any joint-stock company, shall be brought in the courts of common law of this commonwealth, in the county or corporation where the defendant resides, and said courts shall have exclusive jurisdiction to hear and determine all questions involving the validity of such subscriptions.

2. In all such cases the defendant shall be entitled to a jury, where the amount involved exceeds twenty dollars. All pleas, defenses and evidence, which would be admissible if the company were solvent, shall be equally admissible, and shall have the same effect in law in any action brought after the insolvency of any such company; and this act shall apply to all suits heretofore or

hereafter brought, where no final judgment or decree, on the merits, has been rendered.

3. All acts and parts of acts inconsistent herewith, are hereby repealed.

4. This act shall be in force from its passage.

CHAP. 23.—An ACT to re-instate and amend the charter of the Atlantic, Staunton and West Virginia railroad company.

Approved December 19, 1895.

Whereas a charter was heretofore conferred upon the Atlantic, Staunton and West Virginia railway company, at the instance of the chamber of commerce of the city of Staunton, by an act of the general assembly of Virginia, approved February the fifteenth, eighteen hundred and ninety-two, and was amended by an act approved February the twelfth, eighteen hundred and ninety-four, but when the corporators designated proceeded to organize it was found that the period of ninety days, limited therefor by an act approved January the twenty-second, eighteen hundred and ninety-four, requiring payment into the state treasury within that time of the fee upon its charter, had expired; and whereas they are still desirous to pay said fee and proceed to complete their organization and begin operations, upon being assured of their rights in the premises; and whereas it is deemed proper that the charter powers of said company shall be revived, under the circumstances, in the manner prescribed by the constitution; now, therefore,

1. Be it enacted by the general assembly of Virginia, That Henry Hutcheson, O. K. Lapham, P. H. Trout, T. D. Ranson, Reeves Catt, J. W. Bodley, and Isaac Witz, their associates, successors, and assigns, be, and they are hereby, constituted and declared a body politic and corporate, by the name and style of the Atlantic, Staunton and West Virginia railway company, with all the rights and privileges pertaining to corporations under the laws of this state.

2. The capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each; and said capital stock may, from time to time, be increased by the board of directors to any amount not exceeding fifteen million dollars.

3. It shall be lawful for any county, city, town, or individual to subscribe to the capital stock of said railway company, or any branch thereof, in the manner the law prescribes.

4. The said Atlantic, Staunton and West Virginia railway company is hereby authorized, empowered, and permitted to locate, construct, equip, and operate a railroad of standard gauge, with one or more tracks, having for beginning any point it may select on the Potomac, York river, or Chesapeake bay, between the York and Potomac rivers; thence running west, by any route the directors may select, to Staunton, in Augusta county, Virginia; thence west, by any route

they may select, to the West Virginia state line; to operate the same with steam, electricity, or any other mechanical power, for the transportation of passengers, freight, baggage, or mails, for fares or tolls. To establish and maintain on or near its line one or more electric plants for the purposes of said road, and to erect and operate telegraph and telephone lines along its route, and to acquire any property or rights needful for the successful conduct of its business.

5. Subject to the general railroad law of this state, it shall be lawful for the said company to cross at grade, over or under, any other railroad now constructed, or which shall be hereafter constructed, within this state; to construct lateral or branch roads not exceeding twenty miles each in length, subject to the same limitations and restrictions as the main line; but as to gauge, may be of such gauge as to the company seems best. It may unite its roads with any other roads in this state, or that may hereafter be built; may enter the grounds of such railroads with the necessary sidings, switches, turnouts, conveniences and facilities as will aid in the furtherance of the construction of the said railway, or facilitate the exchange or handling of passengers and freight between the said railway and other railways in this state; but in all cases in which the said railway company shall subject the real estate of any other company to its uses, or acquire any of the same, it shall be in the mode prescribed by law.

6. The said company shall have power to issue and sell bonds at such times and on such terms as to the directors may seem expedient, or to borrow money in such sums as they may deem necessary to carry on its work; and in order to secure the payment of its bonds, or the repayment of the money so borrowed, may create mortgages or deeds of trust on its chartered rights, franchises and property. And the said company may receive as subscriptions to its capital stock any real or personal property that may be agreed on between the said company and the subscribers, and may exchange its bonds for such property, and such property may be chartered rights and franchises; and it may hold, sell, improve or convey, in such manner as to the company may seem best, any real estate so acquired: provided that it shall not hold real estate not needed for the purpose of the corporation longer than a period of thirty years from the date of the grant to it of said land.

7. Subject to the laws of this state, the said railroad company may consolidate, lease, purchase and acquire the franchises, works, privileges and property of any other railroad company now existing in this state, or hereafter built, not a parallel or competing line; or it may consolidate with, lease, purchase or acquire the franchises, works, privileges and property of any other railroad without this state whose lines will be thereby made to connect with, or be operated in connection with, the railway hereby authorized to be built; and any railroad company heretofore incorporated in this state, the line of which connects with, or will connect with, the railway hereby incorporated and authorized to be constructed, or which lies along its route, and could be utilized as a part of its lines, or in lieu of such branch roads as this company may construct, is hereby authorized

to sell, to lease or convey its works, property, privileges and franchises to the Atlantic, Staunton and West Virginia railway company, on such terms as the stockholders of the respective corporations, or the legally constituted authorities of said respective corporations, shall agree: provided that in such consolidation, sale, or any other manner, this corporation shall never lose its identity or cease to be a domestic corporation, subject to the jurisdiction of the courts and laws of this state.

8. The incorporators named in this act shall constitute the board of directors for the first year, and shall continue in office until their successors shall be elected and qualified. They shall have the power and authority of a president and board of directors for the purpose of organization, and for all other purposes incident thereto. They shall elect one of their number president of the board, and may appoint such officers as they deem proper. They shall fill any vacancy that may occur in the board, or in the office of president, and may receive subscriptions to the capital stock of the company.

Whenever ten thousand dollars of the capital stock shall have been subscribed, the board of directors shall proceed to organize the company by the election of a president, a vice-president, secretary, treasurer and such other officers and agents as may be required. The said company shall be then considered legally organized, and shall have all the general powers conferred upon corporations and chartered companies by the laws of this state, and shall be subject to all the provisions thereof, except in so far as the same are modified by or are inconsistent with this act.

9. The board of directors of this company is authorized at any meeting, when the majority of the directors are present, if they deem it advisable, to change the name of this company.

10. All taxes which may be assessed against said company shall be paid in lawful money of the United States, and not in coupons.

11. The construction of the said road shall be begun within two years from the passage of this act, and the main line shall be completed in this state within five years from the passage of this act. And unless said company be organized by the appointment of a president and directors within two years from the passage of this act its corporate rights and privileges shall cease.

12. This act shall be in force from its passage.

CHAP. 24.—An ACT to amend the charter of the town of Cape Charles and to legalize certain acts of the town council.

Approved December 20, 1895.

1. Be it enacted by the general assembly of Virginia, That the town council of the town of Cape Charles, in order to open, grade, pave, macadamize, or otherwise improve any street, sidewalk, or alley, be authorized to make assessment of such sum as may neces-

sary to complete such work, to be charged on the property abutting on such street, sidewalk, or alley, and to be apportioned according to the number of feet abutting thereon; and to effectually carry out the powers thus conferred, the council may make and enforce all needful and proper by-laws and ordinances.

2. Be it further enacted, that licenses to sell various spirituous or malt liquors shall be granted only by the town council, and only when the applicant shall have been first licensed by the county court of Northampton county, or by the circuit court on appeal from the county court, as provided by law; but the fact that any applicant has been licensed by the said county court, or by the said circuit court on appeal from the county court, shall not make it incumbent on the council to grant him a license. No license to sell liquor shall be granted by the council unless and until it be made to appear to the satisfaction of the said council that the applicant is a fit and proper person, of good and moral character, and also that the situation, in which the applicant is to conduct the business of selling spirituous or malt liquor, is a fit and proper place for such purpose, and until the applicant shall have furnished a bond, payable to said town, with security, to be approved by the council, conditioned upon the observance by said applicant, his partners, agents, or employees, of all the ordinances, resolutions, or by-laws of said town in force when said license is granted or which may be passed thereafter.

3. Be it further enacted, that the council of said town shall appoint annually an assessor, who shall be a qualified voter of said town, and who shall assess the value of all the real and personal property in the corporate limits of said town, which said assessment shall not be higher than the assessment made on said property for state taxation, and the same shall form the basis of taxation for said town; and said council shall have power and authority to levy and collect annually a tax on the real and personal property in the corporate limits of said town, and on such other subjects within the said town as are or may be taxed by the revenue laws of the state; and on dogs belonging to persons residing in said town; and for the privilege of carrying on any regular business, trade, or profession, by persons residing within the corporate limits thereof: provided that the tax on real estate and personal property shall not exceed, in any one year, one dollar on every one hundred dollars value thereof; and that the poll tax shall not exceed fifty cents on every male person over twenty-one years of age, in any one year; and for the purpose of carrying on any regular business, trade, occupation, or profession within said town by persons residing without the corporate limits shall not exceed, in any one year, the tax imposed by said council on persons residing within the corporate limits for carrying on like business, trade, occupation, or profession. Should any person carry on any such business, trade, occupation, or profession without obtaining a license therefor, and paying the tax required by ordinance, he shall be prosecuted as for violation of the ordinances of said town, as herein provided for.

4. Be it further enacted, that the said council shall also have power and authority to make all necessary provisions to prevent ac-

cidents by fire, and to supply the town with water for all necessary purposes, and to purchase engines, hose, fire-hooks, ladders and other fixtures useful for preventing accidents by fire, and to organize fire companies. The council of said town shall also have power and authority to negotiate any loan or loans for the purpose of purchasing necessary real estate, and for the erection of public buildings, and for general improvement of said town, so that the amount borrowed shall not exceed ten thousand dollars, and shall also have the authority to issue registered or coupon bonds for said loan or loans, payable at not more than twenty years after said date of bonds, bearing interest at a rate not to exceed six per centum per annum. They shall also have power and authority to establish markets and regulate the same; to grade and pave or in any other way improve the streets, sidewalks and alleys of said town; to make and maintain sewers; to change and direct the water courses in said town; to prevent and punish by reasonable fines the practice of firing guns and pistols, or in any manner setting fire to powder; of running horses, and of all else detrimental to the peace and quiet of said town; to license and regulate shows and public exhibitions, and to tax the same to such an extent as they may deem reasonable and expedient; to prescribe rules for the orderly and regular building of houses and chimneys; to regulate blacksmith shops and all other shops considered likely to occasion accidents by fire, and the erection of stoves and stove-pipes; to regulate the erection of privies, stables and cow-sheds, and prescribe their location; to regulate butchers' stalls and slaughter-houses; to abate and remove nuisances within the said town at the expense of those who may occasion them; to prohibit horses, mules, hogs, dogs, cows and other animals from running at large within the limits of said town; to prevent the exhibition of stud-horses or jackasses or other objectionable exhibitions; and generally to pass all by-laws and ordinances, not contrary to the constitution and laws of the state or of the United States, which the said council may think necessary and proper for carrying into effect the foregoing powers, or that may hereafter be vested in them; and for the regulating of the police, preserving the peace and good order and government of said town, and to amend and repeal the same at their pleasure; and to enforce the observance of such by-laws and ordinances, under penalties not exceeding one hundred dollars for one offence, to be recovered, with costs, in the name of said corporation, before the mayor or any councilman of said town, and applied in aid of the taxes imposed upon said town.

5. This act shall be in force from its passage.

CHAP. 25.—An ACT to incorporate Alberene railroad company.

Approved December 20, 1895,

1. Be it enacted by the general assembly of Virginia, That William E. Paine, Geo. W. Bostwick, Hanford R. Nash, James H. Serene

and Frank L. Felter, or such of them as may accept the provisions of this act, their associates, successors, or assigns be, and they are hereby, incorporated and made a body politic by the name and style of Alberene railroad company, and by that name may and shall have perpetual succession, may sue and be sued, plead and be impleaded, and have all the rights and powers of an incorporated company which may be necessary and proper to build, construct, equip, and operate a railroad, either standard or narrow gauge, from Alberene post-office, in the county of Albemarle, to any point on the Southern railway company in the said county of Albemarle where the said Alberene railroad company may be able to make, by agreement, most suitable connections with the said Southern railway company; and from Alberene post-office to any point on the southern boundary of Albemarle county.

2. The capital stock of said company shall not be less than fifty thousand dollars, nor more than two hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, and each stockholder shall be entitled to one vote in general meeting for each share of stock registered in his name. The corporators herein above named, or any three of them, may receive subscriptions to the capital stock of said company, and, when the minimum capital of fifty thousand dollars shall have been subscribed, the said subscribers may organize said company by the election of a president, vice-president, a board of five directors and such other officers as may be deemed necessary; and thereupon said company shall at once have and enjoy all the powers and privileges of an incorporated company, and be subject to all the restrictions imposed by the laws of this state upon such companies, except so far as may be modified by this act. Payments of subscriptions to the capital stock of said company may be made in real or personal property, and such other things as the board of directors may agree upon, to be taken in exchange for stock upon such terms and of such value as the board of directors of said company and its subscribers may agree upon. And the company shall also have power to issue all of its capital stock, or so much thereof as may be required, in payment for the construction or equipment of said railroad, or any portion thereof. Other companies may, with the consent of the company hereby chartered, subscribe to its capital stock and vote thereon.

3. The board of directors shall be stockholders of said company, and shall have power to fill vacancies which may occur in their board, (unless the same has been caused by removal, in which case the same shall be filled by the stockholders in general meeting). They may establish offices and agencies at such places as they deem proper: the president of the company shall be an ex-officio member of the board, and he shall, with the approval of the board, appoint all agents, who shall hold during the pleasure of the said board; they, the said board, shall prescribe their compensation and take from them such bonds as they see fit.

4. The board of directors shall have power to borrow money, and from time to time issue bonds of not less than one hundred dollars each, to the aggregate amount of two hundred and fifty

thousand dollars, bearing interest at not exceeding six per centum per annum, and may secure said bonds by one or more mortgages or deeds of trust upon all its property, franchises and income, or such part thereof as may be mentioned in said mortgages or deeds of trust. The said board of directors may, with the consent of a majority of the stockholders entered on record at any stockholder's meeting, sell or lease the roadbed, rolling stock, equipments and all other property belonging to the said company to any other company, upon such terms as may be agreed upon between the said companies; or they may make such contract with such other company for the operation and management of the company herein chartered as may be agreed upon by the two companies. To facilitate the connection of the company herein chartered with the Southern railway company the said company is authorized and empowered, with the consent of the said Southern railway company, to connect its track or tracks with the railway track of the said Southern railway company, at such points and upon such terms, and in such manner, as may be agreed upon between the said companies.

5. The said Alberene railroad company shall have power to acquire, by purchase, lands to an amount not exceeding seventy-five acres in any one county, and may own, use, mortgage, sell, develop and improve the same at its pleasure. And said company shall have further power to acquire, by condemnation or purchase, such land as may be necessary for the construction of its road-bed, and to acquire a proper and needful right of way.

6. The said company may build and construct such branch and tram-roads as will connect the mineral lands and deposits of the adjacent country with the main line of its road, and shall have the right to develop said mineral land for the purpose of furnishing tonnage for its road.

7. By the acceptance of this charter the said company agrees to pay all public dues, demands and taxes in lawful money and not in coupons.

8. The work of constructing said railroad shall be commenced within two years from the passage of this act, and the main line shall be completed within five years from the same date.

9. This act shall be in force from its passage.

CHAP. 26.—An ACT for the relief of James H. Todd, of Augusta county, authorizing the auditor of public accounts to issue a duplicate warrant, the original having been lost, for allowance as assessor of lands in North River district, Augusta county.

Approved December 20, 1895.

Whereas, on July second, eighteen hundred and ninety-five, the auditor of public accounts issued a warrant upon the treasurer of

Virginia in favor of James H. Todd for two hundred and thirty dollars, in payment of the services of said Todd in assessing real estate in North river district, Augusta county, and on that day mailed the same to him; and whereas said warrant has not been received by said Todd, and has been lost or destroyed and has not been paid: therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts is hereby authorized and directed to issue a duplicate to said Todd for said warrant, when he shall have executed a bond in the penalty of four hundred and sixty dollars, payable to the commonwealth of Virginia, with security, approved by the said auditor, conditioned to save harmless the commonwealth of Virginia from any loss occasioned by the issuing of such duplicate, the warrant so issued to show upon its face that it is a duplicate.

2. This act shall be in force from its passage.

CHAP. 27.—An ACT to extend the time for commencing and completing the construction of the railroad authorized under the act of the general assembly approved March 3d, 1894. incorporating the River front railroad company.

Approved December 20, 1895.

1. Be it enacted by the general assembly of Virginia, That section eight of chapter six hundred and eight of the acts of the session of eighteen hundred and ninety-three and ninety-four, entitled "An act to incorporate the River front railroad company," approved March third, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

2. The said company shall be required to commence the construction of the said railroad, within two years from March third, eighteen hundred and ninety-six, and to complete the construction of said railroad (exclusive of extensions and branches) within five years from that date, or otherwise the powers, privileges and franchises hereby granted shall be ipso facto void.

3. This act shall be in force from its passage.

CHAP. 28.—An ACT allowing H. R. Stowers, late treasurer of Bland county, further time for collecting uncollected taxes in Bland county.

Approved December 20, 1895.

1. Be it enacted by the general assembly of Virginia, That H. R. Stowers, late treasurer of Bland county, be allowed the further time of one year, from the date of the approval of this act, within which to distrain and levy for and collect any uncollected tax-tickets

still in his hands not returned delinquent and for which he has accounted to the commonwealth for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three and eighteen hundred and ninety-four.

2. This act shall be in force from its passage.

CHAP. 29.—An ACT making an appropriation for completion of repairs at capitol.

Approved December 20, 1895.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts is hereby directed to issue his warrants on the treasurer, payable out of any money not otherwise appropriated, when the bills for chairs and changes in the capitol shall be properly certified by the chairman of the special committee appointed for that purpose: provided the cost of same shall not exceed the sum of sixteen hundred and fifty dollars.

2. This act shall be in force from its passage.

CHAP. 30.—An ACT to amend and re-enact an act authorizing the board of supervisors of Pittsylvania county to issue bonds of said county for the purpose of raising money to pay off bonds of said county, approved February 7, 1894.

Approved December 20, 1895.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Pittsylvania county be, and is hereby, authorized and empowered to issue coupon bonds of the said county to an amount not exceeding one hundred thousand dollars, for the purpose of raising money to pay off such of the bonds of said county now outstanding as remain unpaid, which were issued in the year eighteen hundred and seventy-one, for the payment of the subscription of said county to the capital stock of the Lynchburg and Danville railroad company. Said bonds shall be of the denomination of one hundred dollars or its multiple, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually at the office of the treasurer of said county, at Chatham, Virginia, or at some bank or banking-house of one of the following cities: namely, Richmond, Virginia; Baltimore, Maryland; New York, State of New York; as said board of supervisors may direct or designate; shall be in such form as the said board may prescribe; shall be signed by the president of the board, countersigned by the secretary of said board, sealed with the seal of the county, and run for a period of not exceeding twenty years.

2. This act shall be in force from its passage.

CHAP. 31.—An ACT for the relief of James Hay, administrator of W. J. Cave deceased, late treasurer of Madison county.

Approved January 9, 1896.

1. Be it enacted by the general assembly of Virginia, That James Hay, administrator of W. J. Cave, deceased, late treasurer of Madison county, be allowed the further time of one year to distrain and levy and collect any uncollected tax-tickets still in his hands and not returned delinquent, for which the late treasurer has accounted to the auditor and county authorities, for the years eighteen hundred and ninety, eighteen hundred and ninety-one, eighteen hundred and ninety-two, and eighteen hundred and ninety-three.

2. This act shall be in force from its passage.

CHAP. 32.—An ACT to amend and re-enact section 3991, code of Virginia, 1887 entitled "Name of prosecutor to be written on indictment, &c., for misdemeanor when required to give security for costs."

Approved January 9, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-nine hundred and ninety-one, code of Virginia, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 3991. Name of prosecutor to be written on indictment, and so forth, for misdemeanor, when required to give security for costs.—In a prosecution for a misdemeanor the name of the prosecutor, if there be one, and the county or corporation of his residence, shall be written at the foot of the presentment, indictment or information, when it is made, found or filed; and in case the grand jury that brings in such presentment or indictment, or the attorney for the commonwealth that files such information, fail to write the name of a prosecutor at the foot of the presentment, indictment or information, then the name of a prosecutor may be entered of record, as such by the court, on the motion of the defendant, or the commonwealth's attorney, at any time before the judgment. And for good cause the court may require a prosecutor to give security for the costs, and if he fails to do so, dismiss the prosecution at his costs.

2. This act shall be in force from its passage.

CHAP. 33.—An ACT to amend and re-enact section 3705 of the code of Virginia as amended and re-enacted by an act entitled an act to amend and re-enact section 3705 of the code of Virginia—entering dwelling-house or other house, vessel or car, in the night, &c., with intent to commit murder, rape or robbery, &c.

Approved January 9, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-seven hundred and five of the code of Virginia as amended by an act approved February the twelfth, eighteen hundred and ninety-four, entitled an act to amend and re-enact section thirty-seven hundred and five of the code of Virginia—entering dwelling-house or other house, vessel or car, in the night, and so forth, with intent to commit murder, rape or robbery, and so forth, be amended and re-enacted so as to read as follows:

§ 3705. Entering dwelling-house or other house, vessel or car in the night or, and so forth, with intent to commit murder, rape or robbery, how punished. If any person in the night enter, without breaking, or in the day-time, break and enter a dwelling-house or an out-house adjoining thereto and occupied therewith, or in the night-time enter without breaking, or break and enter either in the day-time or night-time any office, shop, storehouse, warehouse, banking-house or other house, or any ship or vessel or river craft, or any railroad-car, with intent to commit murder, rape or robbery, he shall be confined in the penitentiary not less than three nor more than ten years.

2. This act shall be in force from its passage.

CHAP. 34.—An ACT to amend and re-enact section 1135 of the code of Virginia relating to the issuance of new certificates of stock of chartered company when former one is lost.

Approved January 9, 1896.

1. Be it enacted by the general assembly of Virginia, That section eleven hundred and thirty-five of the code of Virginia, relating to the issuance of new certificates of stock of chartered company when former one is lost, be amended and re-enacted so as to read as follows:

§ 1135. How new certificates may issue when former one lost. When a person to whom such a certificate is issued or to whom same has been duly assigned, alleges it to have been lost, he shall file in the office of the company, first, an affidavit setting forth the time, place and circumstances of the loss; second, proof of his having advertised the same in a newspaper once a week for one month; and third, a bond to the company, with one or more sufficient sureties, with condition to indemnify all persons against any loss in consequence of issuing a new certificate in place of the former, and thereupon, the board shall direct such new certificate, and the same shall be issued accordingly. But if such certificate is alleged to have

been lost for a period of seven years or more, any person claiming title to the shares of stock represented by such certificate may file a petition in the circuit or corporation court of the county or city wherein the principal office of the company is, or before the judge thereof in vacation, briefly setting forth the facts upon which the claimant relies to sustain his title thereto, a copy of which petition shall be served on the company, in like manner as notices are served, at least two weeks before the petition is heard; and, if such shares of stock stand on the books of the company in the name of some person other than the claimant, a copy of the petition shall likewise and in like manner be served on such other person, or his personal representative, and notice of the claimant's intention to file his petition shall be published in some newspaper at least once a week for two successive weeks. On the hearing of the petition the court or judge shall consider such evidence as may be adduced by any party in interest, whether the same be in the nature of oral testimony, paper writing, depositions or otherwise; and if the court or judge shall be satisfied that the petitioner is entitled to the shares of stock which he claims, then an order shall be entered on the minute-book of the court requiring the issuance of a new certificate for the same, without the execution of any bond, by way of indemnity or otherwise. And when the new certificate shall have been issued and delivered under an order of court as herein provided, the company shall forever be discharged and relieved from any and all liability to any and all persons who may subsequently claim an interest in the stock of the company under or by virtue of the former certificate.

2. This act shall be in force from its passage.

CHAP. 35.—An ACT to incorporate the Bristol terminal company.

Approved January 9, 1896.

1. Be it enacted by the general assembly of Virginia, That Samuel R. Shipley, Henry W. Flournoy, Rufus A. Ayers, Edward P. Borden and George Burnham, junior, their associates, successors and assigns, be, and they are hereby, incorporated and made a body politic and corporate, under the name and style of Bristol terminal company, and by that name shall be known in law, and as such are authorized and empowered to locate, construct, equip and operate a railroad in the town of Bristol, by such route as may be deemed most practicable by the directors of the said company, to connect the tracks of any or all of the lines of railroad lying within or passing through or touching the said town, and to construct and maintain depots or station-houses, and to contract for the use thereof, so as to provide all necessary terminal facilities for the interchange of traffic between the said lines of railroad; and the said company shall have power to do a general warehousing business, if the holders of two-thirds of its preferred stock and the holders of two-thirds

of its common stock shall, at any time within two years from the passage of this act, determine to engage therein, and for that purpose may acquire, own and maintain such buildings, structures and yards as the directors of the company may deem proper, and may receive, store, transfer and deliver grain, cotton, lumber, live stock, coal, iron and all other commodities, and may issue warehouse receipts therefor, may make advances thereon, and may collect reasonable warehouse charges for the storage thereof, but the said company shall not engage in merchandising.

2. The said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may make and have a common seal, and alter and renew the same at pleasure, and shall have, possess and enjoy all the rights and privileges of a corporation or body politic in the law and necessary for the purposes of this act.

3. The capital stock of said company shall not be less than ten thousand dollars, and may from time to time be increased to any amount not exceeding one million dollars by the issue and sale of shares of preferred or common stock, or both, upon such terms and conditions and under such regulations as the stockholders or board of directors of said company shall prescribe, but the par value of every share of stock shall be one hundred dollars; and the directors may receive cash, labor, material, bonds, stock, real or personal property in payment of subscriptions to the capital stock at such valuation and at such prices as may be agreed upon between the directors and the subscribers, and may make such subscriptions payable in such manner or amounts and at such times as may be agreed upon with the subscribers; and whenever one hundred shares shall have been subscribed to and the sum of one thousand dollars paid in cash, the subscribers, under the direction of a majority of the corporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a board of directors, and providing for the election or appointment of such other officers as may be necessary for the control and management of the business and affairs of said company; and thereupon they shall have and exercise all the powers and functions of a corporation under their charter and the laws of this state.

4. It shall be lawful for said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper for any of the purposes of the company, and may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, real or personal and mixed, its contracts and privileges and its chartered rights and franchises, including its franchise to be a corporation, and it may, as the business of the company shall require, sell, lease, convey and encumber the same; and it shall be lawful for said company to subscribe to and hold the stock and bonds of mining, manufacturing or other corporations; may subscribe to, guarantee and hold the stock and bonds of the said company.

5. The said company is authorized and empowered to locate, construct, equip and operate any lateral or branch roads or tramways, not to exceed five miles in length, which a majority of its stockholders may determine to construct, maintain, equip and operate, and by such route as may be determined by its board of directors; and the said company may connect, or unite its said railroad with that of any other company or companies, or consolidate or merge its stock, property and franchises with and into those of any other company or companies of this or any other state operating, or authorized to operate, a connecting line of railroad, not a competing line, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating, or may acquire the said property and franchises of such other company or companies by lease or sale; and for that purpose power is hereby given to it, and to such company or companies, to make and carry out such contracts as will facilitate and consummate such connection, merger or consolidation, lease or sale; provided that a copy of every such contract of consolidation and merger shall be filed in the office of the board of public works.

6. The said company may acquire by condemnation, according to the laws of Virginia, the lands required for the right of way of its railroad, and the necessary stations and depots for its operation.

7. The said company shall be required to commence the construction of its said railroad within two years from the passage of this act, and to complete the same within five years thereafter; otherwise the powers, privileges and franchises hereby granted, shall be ipso facto void.

8. Each stockholder in the said company shall at all meetings and elections be entitled to one vote for each share of stock registered in his name; and the stockholders of said company may enact such by-laws, rules and regulations for the management of said company as they may deem proper and expedient.

9. The board of directors shall be stockholders of said company, and shall consist of such number as the stockholders may determine upon, and shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company may direct, and shall continue in office for the term of one year from and after the date of their election, and until their successors are elected and accept the duties of the office, and they shall appoint one of their number president, and in case of the death, resignation or incapacity of any member of the board of directors during his term of office, the said board shall elect his successor for the unexpired term.

10. No stockholder in the said company shall be held liable or made responsible for its debts and liabilities in a larger or further sum than the amount of any unpaid balance due to the said corporation upon his stock.

11. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal office of the company shall be located in the state of Virginia.

12. Whenever the corporation shall exercise any of the privileges conferred by this act, it shall be liable to the same taxes as may be

imposed by law upon other like corporations or persons exercising like privileges, and all taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

13. This act shall be in force from its passage; but the general assembly of the state of Virginia reserves to itself the right to alter or repeal this act at any time hereafter.

CHAP. 38.—An ACT to amend and re-enact an act entitled an act to incorporate the Bristol and northern railroad company.

Approved January 9, 1896.

1. Be it enacted by the general assembly of Virginia, That the act entitled "An act to incorporate the Bristol and northern railroad company," approved March first, eighteen hundred and ninety-two, and subsequently amended and re-enacted by an act approved March third, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That A. D. Reynolds, F. B. Hubbell, John H. Dingee, H. W. Flournoy, John M. Wirgman, and J. Walter White, their associates, successors, and assigns, be, and they are hereby, incorporated and made a body politic and corporate, under the name and style of the Bristol and northern railroad company, and as such are authorized and empowered to locate, construct, equip, and operate a railroad, commencing at a point on the line between the states of Virginia and Tennessee, in or near the town of Bristol, and running thence by the most practicable route through the counties of Washington, Scott, Russell, Dickenson, and Wise, or any of them, to a point on the line between the states of Virginia and Kentucky, at or near the brakes of the Cumberland, or to any intermediate point within the state of Virginia.

§ 2. The said company shall have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts, whether at law or in equity, and may make and have a common seal, and alter or renew the same at pleasure, and shall have, possess, and enjoy all the rights and privileges of a corporation or body politic in the law and necessary for the purposes of this act.

§ 3. The capital stock of the said company shall not be less than ten thousand dollars, and may from time to time be increased to any amount not exceeding one million dollars by the issue and sale of shares, preferred or common stock, or both, upon such terms and conditions, and under such regulations, as the board of directors of said company shall prescribe, the par value of which shall not be less than one hundred dollars; and the directors may receive cash, labor, material, bonds, stock, real or personal property, in payment

of subscriptions to the capital stock, at such valuation and at such prices as may agreed upon between the directors and the subscribers, and may make such subscriptions, payable in such manner or amounts and at such times as may be agreed upon with the subscribers; and whenever fifty shares shall have been subscribed to, and the sum of five thousand dollars paid in cash, the subscribers, under the direction of any five of the incorporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a president and board of directors, and by electing or providing for the appointment of such other officers as may be necessary for the control and management of the business and affairs of said company, and thereupon they shall have and exercise all the powers and functions of a corporation under their charter and the laws of this state.

§ 4. It shall be lawful for said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper for any of the purposes of the company, and to secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, real or personal and mixed, its contracts and privileges and its chartered rights and franchises, including its franchise to be a corporation; and it may, as the business of the company shall require, sell, lease, convey and encumber the same.

§ 5. It shall be lawful for said company to subscribe to, guarantee and hold the stock and bonds of mining, manufacturing and other corporations, and any mining, manufacturing and other corporations may subscribe to, guarantee and hold the stock and bonds of the said company.

§ 6. The said company is authorized and empowered to locate, construct, equip and operate any lateral or branch roads or tramways, not to exceed twenty miles in length, which a majority of its stockholders may determine to construct, maintain, equip and operate, and by such route as may be determined by its board of directors; and the said company may connect or unite its said roads with that of any other company or companies, or consolidate and merge its stock, property and franchises with and into those of any other company or companies operating or authorized to operate a connecting line of railroad, not a competing line, in this state or in the state of Tennessee or the state of Kentucky, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating; provided there be nothing in the charter rights of said company or companies into which this company may be merged in conflict with the laws of this state, and for that purpose power is hereby given to it and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connection, merger or consolidation or any lease or sale; provided that a copy of every such contract of any consolidation and merger be filed in the office of the board of public works.

§ 7. It shall be lawful for the company to acquire, by donation or purchase, or by condemnation according to the laws of this state.

land for right of way, depots, stations and other purposes necessary for the successful construction and operation of its road through any of the counties where it is authorized to construct its line of road.

§ 8. The said company shall be required to commence the construction of said railroad within two years from January first, eighteen hundred and ninety-six, and to complete the construction of its main line within five years from that date, or otherwise the powers, privileges and franchises hereby granted shall be annulled and become void.

§ 9. Each stockholder in the company shall, at all meetings or elections, be entitled to one vote for each share of stock registered in his name. And the president and board of directors of said company may enact such by-laws, rules and regulations for the management of the affairs of said company as they may deem proper and expedient.

§ 10. The board of directors shall be stockholders of said company, and shall consist of such number as the stockholders may determine upon, and shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company may direct, and shall continue in office for the term of one year from and after the date of their election and until their successors are elected and accept the duties of the office, and they shall appoint one of their number president, and in case of death, resignation or incapacity of any member of the board of directors during his term of office the said board shall elect his successor for the unexpired term.

§ 11. Any county, town or city along the line of said railroad or any county adjoining another county through which such line passes may, pursuant to the general laws of Virginia, subscribe to the capital stock of the said railroad company, and the said company is authorized to accept the same.

§ 12. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal office of the company shall be located in this state.

§ 13. All taxes due the commonwealth by said company shall be paid in lawful money of the United States and not in coupons.

2. This act shall be in force from its passage, but the general assembly of the state of Virginia reserves to itself the right to modify, alter or repeal this act at any time hereafter.

CHAP. 37.—An ACT ratifying and confirming a resolution of the council of the city of Portsmouth adopted in relation to the terms of its members.

Approved January 9, 1896.

1. Whereas by section twelve of an act of the general assembly of Virginia, approved February twenty-third, eighteen hundred and ninety-four, entitled an act to amend and re-enact sections three, fourteen, seventeen, sixth subject of sections seventeen, thirty-four

and fifty-nine of the charter of the city of Portsmouth, approved March sixth, eighteen hundred and eighty-two, and section twelve of said charter as amended by an act in force January twenty-eighth, eighteen hundred and eighty-four, it is provided:

§ 12. The council of the city of Portsmouth shall consist of nineteen members, to be elected from the different wards, as follows: four from the first ward, six from the second ward, three from the third ward, four from the fourth ward, and two from the fifth ward. At the election to be held on the fourth Thursday in May, eighteen hundred and ninety-five, there shall be elected from the first ward, two councilmen; from the second ward, three councilmen; from the third ward, two councilmen; from the fourth ward, two councilmen; and from the fifth ward, one councilman, who shall hold office for the term of one year. And at the said election there shall be elected from the first ward, two councilmen; from the second ward, three councilmen; from the third ward, one councilman; from the fourth ward, two councilmen; and from the fifth ward, one councilman, who shall hold office for the term of three years. And at the election to be held on the fourth Thursday in May, eighteen hundred and ninety-six, and every four years thereafter, there shall be elected from the first ward, two councilmen; from the second ward, three councilmen; from the third ward, two councilmen; from the fourth ward, two councilmen; and from the fifth ward, one councilman. And at the election to be held on the fourth Thursday in May, eighteen hundred and ninety-eight, and every four years thereafter, there shall be elected from the first ward, two councilmen; from the second ward three councilmen; from the third ward, one councilman; from the fourth ward, two councilmen; and from the fifth ward, one councilman. The councilmen chosen shall, at the time of their election, and during their continuance in office, be residents of the ward from which they are chosen; they shall be elected by the voters qualified to vote for councilmen as hereinbefore provided, who are residents of the respective wards for which such councilmen are chosen. The qualification of any person or persons elected as councilmen shall be judged of by the council and determined by a majority vote thereof.

And whereas at the election held on the fourth Thursday in May, eighteen hundred and ninety-five, the said councilmen were not elected in respect to their terms of office, in accordance with the provisions of said section twelve, but all of the said councilmen were elected without reference to their respective terms of office; and whereas at a meeting of the council of the city of Portsmouth, held on the third day of December, eighteen hundred and ninety-five, a resolution was unanimously adopted designating J. Davis Reed and G. M. Reynolds from the first ward; Joseph F. Weaver, Charles E. Murden and John H. Hume from the second ward; Charles E. Outten from the third ward; John J. King and A. W. Moore from the fourth ward; and W. V. H. Williams from the fifth ward as the councilmen who should hold office for the term of one year under provision of said section twelve; and also designating C. S. Minter and J. W. Ashton from the first ward; C. S. Sherwood, C. W. W.

and D. W. Ballentine from the second ward ; George M. Turner and W. A. Green from the third ward ; L. C. Brinston and Samuel T. Montague from the fourth ward ; and W. H. Moore from the fifth ward, as the councilmen who should hold office for the term of three years under the provision of said section twelve : now, therefore,

1. Be it enacted by the general assembly of Virginia, That the resolution of the council of the city of Portsmouth adopted at a meeting held December third, eighteen hundred and ninety-five, designating which of its members should hold office for the term of one year, and which of its members should hold office for the term of three years under provision of section twelve of the act approved February twenty-third, eighteen hundred and ninety-four, be, and the same is hereby, approved, ratified and confirmed ; and that the terms of office of J. Davis Reed, G. M. Reynolds, Joseph F. Weaver, Charles E. Murden, John H. Hume, Charles E. Outten, John J. King, A. W. Moore and W. V. H. Williams, who were designated by said resolution to hold office for the term of one year, shall expire on the thirtieth day of June, eighteen hundred and ninety-six ; and that the terms of office of C. S. Minter, J. W. Ashton, C. S. Sherwood, C. W. Walker, D. W. Ballentine, George M. Turner, W. A. Green, L. C. Brinston, Samuel T. Montague and W. H. Moore, who were designated by said resolution to hold office for the term of three years, shall expire on the thirtieth day of June, eighteen hundred and ninety-eight.

2. This act shall be in force from its passage.

CHAP. 38.—An ACT to authorize the council of the city of Portsmouth to issue bonds for the completion of its sewerage, to continue the paving and grading of its streets, and to redeem its portion of ferry bonds.

Approved January 9, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the council of the city of Portsmouth, in order to complete its system of sewerage for said city, to continue the paving and grading of its streets, and to redeem its portion of the bonds that were issued by the joint committee for the management of the Norfolk county ferries under an act of the general assembly of Virginia approved May twenty-third, eighteen hundred and eighty-seven, to issue coupons or registered bonds in sums not less than one hundred dollars, at a rate of interest to be determined by said council, not to exceed, however, six per centum per annum, payable semi-annually ; provided that the whole amount of bonds issued under this act shall not exceed the sum of sixty-five thousand dollars, of which said sum not more than twenty-five thousand dollars shall be applied to the paving and grading of the streets, and not more than fifteen thousand dollars shall be applied to the completion of the said sewerage, and the remaining twenty-five thousand dollars to the redemption

of the city's portion of the said ferry bonds. The said bonds shall be signed by the president of the council and the city treasurer, with the seal of the city thereto affixed, attested by the city clerk, and the proceeds thereof shall not be applied or used for any other purpose than that herein specified. The said city council may dispose of said bonds to the highest bidder therefor, either at public auction or under proposals to be made by the public to the city council, or in such other manner as the said council may deem expedient; provided, however, that if the said bonds bear six per centum interest they shall not be disposed of for less than their par value; and in no case shall said bonds be disposed of for less than ninety-five per centum of their par value. The said bonds shall not be subject to any tax whatever by the city of Portsmouth. The bonds issued under this act for paving and grading the streets shall be made payable in ten years after their date, and the said council shall provide for the payment of the same and the interest thereon in the same manner as is provided for the other paving bonds of said city at the time of the adoption of this act. All the other bonds issued under this act shall be made payable in thirty years after their date, and the said council shall, for the payment of the interest thereon, levy a special tax or provide for the same out of the general levy.

2. This act shall be in force from its passage.

CHAP 39.—An ACT to amend and re-enact the act to incorporate the Bethel cemetery company, approved December 15, 1885.

Approved January 9, 1896.

1. Be it enacted by the general assembly of Virginia, That the act entitled an act to incorporate the Bethel cemetery company be amended and re-enacted so as to read as follows: That John W. May, Benoni Wheat, William H. May, William F. Vincent, and George W. Keys, or any three of them, may open books of subscription, and when five thousand dollars shall have been subscribed by them, and such others as may hereafter be associated with them, they shall be a body corporate and politic, to be known as the Bethel cemetery company, by which name and style it shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded in all courts, contract and be contracted with, and ordain and establish by-laws; provided such by-laws be not in conflict with the laws of the state or the United States.

2. The capital stock of the company shall not be less than five thousand dollars nor more than ten thousand dollars, divided into shares of fifty dollars each, which shall be paid in cash or instalments, as the by-laws may require; and the personal liability of each and every stockholder for the debts of the company shall be limited to the amount unpaid on the shares or share of stock subscribed for by such stockholders. All certificates of stock sh

under the seal of the company and signed by the president and countersigned by the secretary. Shares of stock shall be deemed personal property. Each stockholder shall have one vote, in person or by proxy, in the election of directors and officers, and at all the meetings of the stockholders, for each share of stock held by them.

3. The officers of the said company shall consist of a president, secretary, who may likewise be the treasurer, and of a board of three directors, and they shall be elected annually by a majority of the votes cast, and shall hold their respective offices until their successors are elected. The annual meeting of the stockholders shall be held at such a place in the city of Alexandria, and at such time as may be fixed by the by-laws. The first annual meeting shall be held on the first Monday in May, eighteen hundred and ninety-six. Special meetings of the stockholders may be held at any time by the call of the president, on giving notice of the time and place of meeting, at which meetings any business, except the election of officers, may be transacted that may be done at the annual meeting. *A vacancy in the office of the president shall be filled by appointment of the board of directors. A vacancy in either of the offices of secretary or treasurer shall be filled by appointment of the president and board of directors until the next ensuing annual meeting.*

4. The said company shall have power to acquire, by purchase or otherwise, and hold land, not to exceed twenty acres, in Fairfax county, near the city of Alexandria, to be used for a burial place or cemetery, and for no other purpose, and may lay off same in lots, subdivision of lots for graves, vaults and monuments, and may improve and ornament the same, and may lay out roads and walks therein, and may sell and convey any lots or subdivision of lots on such conditions as may be prescribed by the by-laws, and the same shall not be subject to sale by any order of the court except as hereinafter provided, and shall not be conveyed by the owner out of his family, except with the consent of the company. The company may make all proper rules and regulations for the general management of the grounds of the cemetery and with regard to the enclosures, digging of graves and the erection of vaults and monuments, the manner in which lots and subdivision of lots shall be kept, and the adornments thereof, and may prescribe the penalty for the violation of them, and may enforce the same by the action at law or suit in equity. And jurisdiction is hereby conferred upon the courts of the city of Alexandria to hear and determine all matters of controversy between a lot owner and the company, and for such purpose the said court process may be executed on a lot owner who is a resident of this state, and in the county in which he resides, and on a lot owner who is a non-resident of this state by an order of publication, and upon a judgment in favor of the company, in any such action at law or suit in equity, the lot or subdivision of lot of such person may be sold to satisfy the same.

5. The survey and plot showing the walks and roads and the number, size and location of the lots of the grounds of the cemetery shall be made, and a copy thereof may be filed and recorded in the clerk's office of the corporation court of the city of Alexandria, Vir-

ginia, and no street, road, lane or alley shall be made over the land of said company without its consent, nor shall the said land be condemned or taken for public use without the consent of said company.

6. The justices of the peace of the city of Alexandria and the corporation court of said city shall have jurisdiction over all offences against the laws of the state committed upon the property and within the ground of the cemetery of the said company, and all the ordinances of the city council of Alexandria relating to matters of police shall extend over the said grounds; and for such purpose such ground shall be considered within the limits of the city of Alexandria, and the mayor of said city shall have jurisdiction of violations of such ordinances.

7. The said company shall be subject to all the general laws of the state relating to corporations not inconsistent with this act.

8. This act shall be in force from its passage.

CHAP. 40.—An ACT to amend and re-enact an act entitled an act to incorporate the Bridgewater construction company, approved January 22, 1894.

Approved January 11, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to incorporate the Bridgewater construction company be amended and re-enacted so as to read as follows:

Be it enacted by the general assembly of Virginia, That W. R. Brown, Charles R. Sickles, of New York; W. A. Little, Jr., and J. B. Ficklen, W. F. Ficklen and W. T. White, of Fredericksburg, Virginia, and their associates, or such of them as may accept the provisions of this act, and such persons as may be hereafter associated with them and their successors, be, and they are hereby, constituted a body politic and corporate under the name and style of the Bridgewater construction company.

2. The said corporation may make and use a corporate seal, which it may alter or renew at its pleasure, may sue and be sued, plead and be impleaded, contract and be contracted with, and make by-laws, rules and regulations consistent with the existing laws of this state and the United States for the government, management and control of its members, estates and properties, and the due and orderly conduct of its affairs.

3. The capital stock shall not be less than five thousand dollars nor more than one hundred thousand dollars, divided into shares of not less than ten nor more than one hundred dollars each, as the board of directors may prescribe. The directors may receive real and personal property and services in payment for subscriptions to the capital stock at such valuation as may be agreed upon between the directors of the company and the subscribers.

4. The said company shall have the power, and may purchase,

hold, grant, mortgage or otherwise dispose of real and personal estate in this state, but the amount of real estate held by it shall not exceed five hundred acres; and the said company shall have power and may lay out such lands, or any part thereof, into parcels or lots of convenient size with intervening roads, lanes, streets and alleys and develop, improve, work, cultivate, sell, grant mortgage, or otherwise dispose of the same, in such manner and upon such terms as the said company may think proper; and may contract for, construct, operate and maintain works of public or private improvement; provided that nothing in this section shall be construed as exempting said company from the provisions of the general laws of the state relative to corporations.

5. That the said company shall have the power to search for and develop stone and granite quarries, and any and all other minerals, ores and metals, and to mine and manufacture the same; to purchase and sell the same; to work, reduce, smelt and refine the same, and to erect and work the proper works and factories; and the said company shall also have the power to construct and operate lateral railroads, of not more than ten miles in length, to be run by steam or electricity; tramways, telegraph and telephone lines and canals or water-ways connecting the mines, works or land of the said company with trunk lines of railroad and telegraph lines; and the said company shall have the power to install machinery for working their mines, quarries, railroads or canals; to erect stationary electric plants or purchase the same. And the said company shall have the further power and may build pipe lines, water-ditches, flumes and reservoirs, and to draw water from any water course adjacent to their mines, lands or works: provided they do not in so doing violate the rights of any individuals or parties.

6. That for the purpose of constructing said railroads, canals, telegraph and telephone lines, pipe lines, water-ditches, flumes and reservoirs, the said company shall have the right to enter upon any lands which said railroads, canals, telegraph and telephone lines, pipe lines, flumes, water-ditches or reservoirs may pass or should be located for the purpose of surveying the same and locating the said railroads, canals, telegraph and telephone lines, pipe lines, water-ditches, flumes and reservoirs, and contract with the owners of said lands for the right of way for any or all of the above-mentioned rights; and upon the failure of the said company and the owners of said lands to agree upon the price of said right of way, they shall proceed to condemn the said land in the manner provided by law.

7. For the construction and operation of the railroads, canals, telegraph and telephone lines, pipe lines, water-ditches, flumes and reservoirs and the establishment and purchase of plants, the company shall have the right to issue bonds and secure the same by mortgages on the properties, rights and franchise of the company, or any part thereof; to issue preferred stock, to issue bonds secured by mortgage convertible into preferred stock, or preferred stock convertible into bonds secured by mortgage, and to accept in payment for any services rendered or work performed for any other corporation or individual, the stock or bonds of such corporation, and to

exercise all the power necessary to the enjoyment of the franchises and privileges herein granted.

8. It shall be lawful for the said company to guarantee the interest, or principal and interest, of bonds of any mining or manufacturing company of this or adjoining states, as well as to acquire and hold the shares of capital stock of any such corporations.

9. The incorporators herein named, and such others as they may associate with them, shall constitute the board of directors for one year, and may elect from their number a president and other officers to serve for one year, until the first general meeting of stockholders.

10. It shall be lawful for the said company to organize so soon as its minimum capital stock shall have been subscribed for on the books of the company, and the amount required by the general laws of the state paid therein.

11. No stockholder shall be liable for any debts, obligations or liabilities of the company above or beyond the face or par value of the stock subscribed by him or the unpaid balance due thereon.

12. The principal office of the company shall be in Fredericksburg, Virginia.

13. All taxes and other public dues accruing from the said company to the state of Virginia shall be paid in lawful money of the United States, and not in coupons or any other thing whatsoever.

14. This act shall be in force from its passage.

CHAP. 41.—An ACT to amend and re-enact section 3191 of the code of Virginia as amended and re-enacted by an act approved February 2, 1892, entitled an act to amend and re-enact section 3191 of the code of Virginia, relating to the licensing of persons to practice law in this state.

Approved January 11, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-one hundred and ninety-one of the code of Virginia, as amended and re-enacted by an act approved February second, eighteen hundred and ninety-two, entitled an act to amend and re-enact section thirty-one hundred and ninety-one of the code of Virginia, relating to the licensing of persons to practice law in this state be amended and re-enacted so as to read as follows:

§ 3191. How a person is licensed to practice law.—Certain licenses validated.—Any three or more judges of the supreme court of appeals, acting together, may, under such rules and regulations, and upon such examination, both as to learning and character, as may be prescribed by the said court, grant to any male citizen over the age of twenty-one years, who has resided in this state six months preceding his application, a license in writing to practice law in the courts of this state. And it shall be the duty of the supreme court of appeals as soon as practicable after the passage of this act to make and promulgate said rules and regulations. All licenses granted

or signed by any judge of the supreme court of appeals of this state since the fourteenth day of January, eighteen hundred and sixty-four, and all licenses heretofore legally granted shall be as valid as if granted under this act: provided the attorney-at-law holding the same has already commenced the practice of his profession, or shall commence the practice thereof within two years from the date of the granting of said license; otherwise the said attorney shall not practice in this state without first obtaining a license as provided by this act.

2. This act shall be in force from the first of July, eighteen hundred and ninety-six.

CHAP. 42.—An ACT to amend the charter of the Newport News ship-building and dry-dock company, by amending and re-enacting section 2 of chapter 51 of acts of assembly, 1885-'86, entitled "An act to incorporate the Chesapeake dry-dock and construction company," as amended and re-enacted by chapter 22, acts of assembly, 1891-'92, entitled "An act to amend the charter of the Newport News ship-building and dry-dock company, by amending and re-enacting section 2 of chapter 51 of acts of assembly, 1885-'86, entitled an act to incorporate the Chesapeake dry-dock and construction company, and section 4 of chapter 51 of acts of assembly, 1885-'86, entitled an act to incorporate the Chesapeake dry-dock and construction company, as amended and re-enacted by chapter 235, acts of assembly, 1889-'90, entitled an act to change the name of the Chesapeake dry-dock and construction company to Newport News ship-building and dry-dock company, and to amend and re-enact sections 1, 4, 6, 7, and 8 of chapter 51 of acts of assembly, 1885-'86, entitled an act to incorporate the Chesapeake dry-dock and construction company," approved December 22, 1891, so as to authorize said Newport News ship-building and dry-dock company to increase its capital stock, provided said capital stock shall not exceed in the aggregate six millions of dollars.

Approved January 11, 1896,

1. Be it enacted by the general assembly of Virginia, That section two of chapter fifty-one of acts of assembly eighteen hundred and eighty-five and eighteen hundred and eighty-six, entitled "An act to incorporate the Chesapeake dry dock and construction company," as amended and re-enacted by chapter twenty-two of acts of assembly, eighteen hundred and ninety-one and eighteen hundred and ninety-two, entitled "An act to amend the charter of the Newport News ship-building and dry dock company by amending and re-enacting section two of chapter fifty-one of acts of assembly eighteen hundred and eighty-five and eighteen hundred and eighty-six, entitled an act to incorporate the Chesapeake dry dock and construction company, and section four of chapter fifty-one of acts of assembly, eighteen hundred and eighty-five and eighteen hundred and eighty-six, entitled an act to incorporate the Chesapeake dry dock and construction company, as amended and re-enacted by chapter two hundred and thirty-five, acts of assembly eighteen hundred and eighty-nine and eighteen hundred and ninety, entitled an act to change the name of the Chesapeake dry dock and construction company to Newport News ship-building and dry dock company, and to

amend and re-enact sections one, four, six, seven and eight of chapter fifty-one of acts of assembly, eighteen hundred and eighty-five and eighteen hundred and eighty-six, entitled an act to incorporate the Chesapeake dry dock and construction company, approved December twenty-two, eighteen hundred and ninety-one, be amended and re-enacted so as to read as follows:

§ 2. The capital stock of said company shall not be less than one hundred thousand dollars, divided into shares of one hundred dollars each. Said company may, with the consent of a majority of the stockholders, increase its capital stock from time to time to such an amount as may be necessary for constructing, operating and maintaining its works: provided the capital stock shall not exceed six million of dollars; such increase to be made at a regular or called meeting for the purpose, and upon such notice as may be necessary and proper. In all meetings of the stockholders each share shall be entitled to one vote, which vote may be cast in person or by proxy.

2. This act shall be in force from its passage.

CHAP. 43.—An ACT to prohibit horses, mules, and colts from running at large upon the public roads of the county of Accomac.

Approved January 11, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any horse, or mare, or mule, or for any colt over the age of three months, to run at large upon the public roads in the county of Accomac, and the owner, or owners, of such animals who shall intentionally permit such animals to run at large, as above-mentioned, shall be guilty of a misdemeanor, and upon the conviction thereof before any justice of the peace shall be fined not less than one nor more than five dollars for each offence.

2. Nothing in this act shall be construed as applying to the island districts of Accomac county.

3. This act shall take effect from and after the first day of May, eighteen hundred and ninety-six.

CHAP. 44.—An ACT to incorporate the Draper's benevolent society, in Pulaski county, Va.

Approved January 11, 1896.

1. Be it enacted by the general assembly of Virginia, That Aaron Slaughter, Jacob Ceasar, Henderson Austin, Richard Montgomery, Webster Holiday, Richard Holiday, Dallas Holiday, and Ephraim Walford, and such other persons as are now and may hereafter

come members of this society, be, and they are hereby, constituted a body politic and corporate, by the name and style of the Draper benevolent society, situated in the village of Draper, Pulaski county, Virginia, and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, and in all respects shall be invested with the rights and privileges conferred, and subject to the restrictions and regulations prescribed for corporations by the general law, so far as the same are applicable to this corporation and not inconsistent with this act.

2. The corporation may take, by purchase, gift, devise, or bequest, and hold real and personal estate, and lease, rent, sell, or otherwise dispose of the same in such manner as may seem most advantageous; provided it shall not hold real estate exceeding five acres of land, and personal estate exceeding five thousand dollars in value in any one county in this commonwealth.

3. The objects of the order shall be to help, aid, and assist its sick and destitute, to bury its dead, and take care of its widows and orphans, and generally to cultivate and promote good conduct and correct living among its members.

4. The said corporation may institute subordinate lodges in any county or corporation in this commonwealth, and shall have power to make and adopt a constitution and by-laws and rules and regulations for the admission and expulsion of members and for their government, the election of officers, and to define their duties, and for the use, investment, safe-keeping, and protection of its property, real and personal, provided the same be not inconsistent with the laws of the United States or of this state.

5. This act shall be in force from its passage.

CHAP. 45.—An ACT to remove the political disabilities of James L. Bishop.

Approved January 11, 1896.

1. Be it enacted by the general assembly of Virginia (two-thirds of both houses concurring), That the political disabilities of James L. Bishop, incurred under clause three of section one of article three of the constitution of Virginia, with reference to duelling, be, and the same are hereby, removed.

2. This act shall be in force from its passage.

CHAP. 46.—An ACT to incorporate the Young men's Christian association of Hampton, Va.

Approved January 11, 1896.

1. Be it enacted by the general assembly of Virginia, That Jacob Heffelfinger, Thomas Tabb, P. W. Phillips, V. P. Holt, G. A. Ober-

dorf, Jesse S. Jones, Henry L. Schmelz, Segar Whiting, W. J. A. Cumming, J. M. Willis, C. Heffelfinger and J. W. Richardson, and such other persons, whether minors or adults, as are now or may be hereafter associated with them, are hereby declared to be a body politic and corporate, by the name, style and title of the Young men's Christian association, of Hampton, Virginia, and by that name shall be known in law, and shall have perpetual succession and a common seal, with the right to change the same at pleasure, and shall have power to sue and be sued, contract and be contracted with, plead and be impleaded, and have all the rights and privileges of a corporation, and be subject to all the rules, regulations and restrictions, and do all acts, and enjoy all other powers incident to similar corporations in general under and subject to the laws of this commonwealth.

2. That the objects of said association shall be the promotion of religion, morality, education and social culture among the residents of said town of Hampton and vicinity.

3. That the members of said corporation who are or may be entitled to vote at any election of officers shall have full power and authority to make and adopt a constitution and by-laws, and to prescribe rules and regulations for the government of said association and the promotion of interests, and for the admission and expulsion of members, and from time to time to alter and amend the same; provided that the same be not inconsistent with the constitution and laws of the United States and of the state of Virginia.

4. That the officers of said association shall consist of a president, and such others as may be deemed necessary, and they shall be elected in the manner and at such times as the constitution or by-laws may prescribe.

5. That the said association may take and acquire, by purchase, gift, devise, bequest, or otherwise, and hold real and personal estate in the town of Hampton or county of Elizabeth City, and lease, rent, sell, encumber, or otherwise dispose of the same in such manner as may seem most advantageous; provided that it shall not hold real estate of greater value than twenty thousand dollars; and provided, further, that the said property, or any income derived therefrom, shall be used wholly for the purposes of the said association.

6. That the said association may, for the purpose of obtaining and furnishing a building to be occupied by the association, either wholly or in part, issue bonds to an amount not exceeding ten thousand dollars, and secure the payment of the same by a deed of trust on all the property, real and personal, of said corporation.

7. That said association, being purely charitable and benevolent, shall be exempt from the payment of all taxes, both state and municipal.

8. This act shall be in force from its passage.

CHAP. 47.—An ACT to amend and re-enact an act approved February 22, 1892, entitled an act to amend and re-enact clause 4 of section 6 of an act approved February 24, 1874, entitled an act to give effect to a compromise of the litigation in respect to the construction and effect of the will of Samuel Miller, deceased, and to establish the manual labor school provided for in the 25th clause of said will, as amended by acts approved on April 2, 1887, and on February 19, 1884, respectively.

Approved January 11, 1896.

1. Be it enacted by the general assembly of Virginia, That the fourth clause of section one of an act approved February twenty-fourth, eighteen hundred and seventy-four, entitled an act to give effect to a compromise and litigation in respect to the construction and effect of the will of Samuel Miller, deceased, and to establish the manual labor school provided for in the twenty-fifth clause of the said will, as amended by an act approved the second day of April, eighteen hundred and eighty-seven, and as further amended by an act approved on the nineteenth day of February, eighteen hundred and eighty-four, and as further amended by an act approved on the the twenty-ninth of February, eighteen hundred and ninety-two, be amended and re-enacted to read as follows:

Clause 4. The corporation created by clause one shall hold the legal title to all the property dedicated by the will of Samuel Miller, and by the compromise aforesaid, to the said manual labor school, and all other property hereby acquired by it for the use and benefit of said school. The board of education shall discharge, in respect to the said fund, all the duties devolved, and shall exercise all the powers conferred by said twenty-fifth clause of said will upon the board of the literary fund. The second auditor shall discharge all the duties devolved by said clause upon him, and is hereby authorized to receive the compensation thereby provided. The county court of Albemarle is authorized and required, sitting in term, to discharge, by orders entered in a record-book to be kept by the clerk of said court specially for that purpose, all the duties devolved and exercise all the powers conferred by the said twenty-fifth clause upon the county court of said county. The charges and expenses attending the establishment and support of said school, including the purchase of land (should any be purchased), the erection of buildings, the feeding, clothing, and education of the pupils, the charges for medical attendance upon them, and everything incident thereto and connected with the said school, shall, when examined, allowed and certified by the said county court of Albemarle county and approved by the board of education, be paid by the said board of education out of the income and profits of the trust fund created by the twenty-fifth clause of said will. The record-book aforesaid shall be provided from the fund, and the clerk of the said court shall receive for keeping the same, fees allowed by law for orders in the order-book of said court, to be paid out of the said income and profits as other claims are provided to be paid. And for the duties imposed upon the said county court, and for the services required to be rendered by the judge thereof, every such judge shall receive compensation in

addition to his regular salary, and the amount of such compensation shall be fixed by the said board of education for each year, commencing with the date of approval of this act, and shall be paid by the said board, out of said income and profits, in the manner provided for the payment of other claims, as a part of the expenses necessary for the execution of the trust; but the same shall never, in any case, exceed the sum of six hundred dollars per annum. And the district school trustees of the respective school districts of the said county and of the city of Charlottesville shall meet semi-annually on the *Tuesday* after the *third* Monday in January and July, or if from any cause they fail to meet on such days, or either of them, at such times thereafter as the county court may appoint, at the school, unless some other place of meeting within said county or city be fixed by them, and select and designate, subject to appointment by the county court, as provided for in the twenty-fifth clause of said will, as pupils of the said school, those described in the said clause and required by the testator to be so selected. At such meeting a majority of all the school trustees for said county and city shall constitute a quorum for business, and a majority failing to attend, those present may adjourn from day to day, or from time to time, until a quorum shall attend. The county superintendent of schools and the clerk of the county court shall be (*ex-officio*) the chairman and secretary, respectively, of such meetings, but those officers, or either of them, being absent, the meeting may elect from its members a chairman or secretary, or both, *pro tempore*. The said clerk, acting as secretary, shall have no vote, and the superintendent of schools, acting as chairman, shall vote only in case of a tie. The secretary shall keep a minute and accurate account of the proceedings in a well-bound book, which shall be kept by him, except when needed at the semi-annual meeting of the trustees, in the county court clerk's office, open to inspection in the same manner as the other records in said office. To the terms of the county court of Albemarle immediately succeeding such meetings the said trustees shall have written reports of the pupils selected by them, specifying the length of time they shall respectively continue in the school. Such reports may be made by their chairman and secretary. The pupils so selected, when appointed by the county court, shall be subject to the discipline and to all the rules and regulations adopted for the government of the school, and may at any time be honorably discharged or expelled for cause by the said county court, or by the judge thereof in vacation, on the recommendation of the visitors of the said school. For the services required by this act, the superintendent of schools, acting as chairman, and each trustee, shall receive five dollars for each semi-annual meeting actually attended, and the secretary shall receive ten dollars per annum, to be paid out of the income and profits of the fund in manner provided for the payment of other claims.

2. This act shall be in force from the date of its passage.

CHAP. 48.—An ACT to allow the Piedmont construction and improvement company to change its name to the Piedmont traction company, and to permit the said company to issue preferred stock, to hold stock in other companies, to dispose of its property, and to consolidate or merge with any other company.

Approved January 11, 1896.

1. Be it enacted by the general assembly of Virginia, That the Piedmont construction and improvement company, incorporated by an act of the assembly, approved March fourth, eighteen hundred and ninety, may, with the consent of its board of directors, change its name to the Piedmont traction company; provided that a copy of the order of the board of directors making such change shall be filed in the office of the secretary of the commonwealth.

2. And said company, in the furtherance of its works of improvement, may guarantee or prefer such portions of its capital stock as the stockholders, in general meeting, may deem expedient; and it may be prescribed by such stockholders' meeting that such preferred stock and dividends thereon shall be and remain a first claim, after the indebtedness of the company, on such portions of the company's property as may be specified.

3. And the said company shall have power to acquire and to hold shares in the capital of any other corporation or company, and to lease, sell or convey any of its property, and by an order of its board of directors may consolidate and merge with any other corporation or company chartered under the laws of this state with which its lines may connect, and the agreement for such merger or consolidation may provide that the united company shall possess and enjoy all the rights, privileges and franchises of the original companies; provided, a copy of any such contract of consolidation or merger shall be recorded in the office of the secretary of the commonwealth of Virginia, and an official copy of such contract shall be evidence of such consolidation or merger without proof of handwriting.

4. This act shall be in force from its passage.

CHAP. 49.—An ACT to amend and re-enact section 2 of an act entitled an act to improve the main thoroughfares of Rappahannock county, approved February 22, 1894.

Approved January 11, 1896.

1. Be it enacted by the general assembly of Virginia, That section two of an act entitled an act to improve the main thoroughfares of Rappahannock county, approved February twenty-second, eighteen hundred and ninety-four, be amended and re-enacted as follows:

§ 2. Three disinterested freeholders of Rappahannock, one being skilled in road making or improvements in roads, shall be appointed by the board of supervisors, on or before the first day of December, eighteen hundred and ninety-four; the said three disinterested free-

holders to be residents of said county, and living in different sections of said county. The said three disinterested freeholders shall select the said eighty-five miles of main thoroughfare which are to be improved. Twenty-two miles of the said eighty-five miles shall be in Wakefield township, inasmuch as the tax paid by Wakefield township is more than half of that paid by the residue of the county, and when the amount of tax paid by said Wakefield township is reduced, should that be the case at any time, the number of miles to be worked in said township shall be correspondingly reduced; and shall divide the said eighty-five miles into sections not exceeding ten miles in length, and they shall let the said sections to the lowest bidder, or have the said sections worked by any plan that may seem best to them, after having advertised the time, terms and place of letting for thirty days in some newspaper circulated in said county, or by hand-bills, as to them may seem best. They shall have the power to reject any or all bids, and the person to whom the contract for improving any of the said sections of main thoroughfares may be awarded shall execute bond, with good security, in the penalty of at least the amount of his bid, and conditioned for the faithful performance of his duty in improving said thoroughfares. Upon the completion of the section or sections for which any person may have taken the contract, the said disinterested freeholders, if satisfied that the contract of said bidder has been fully complied with, and the road improved in accordance with the contract and specifications, shall give a warrant for the amount due to said contractor on account of the improvement of said main thoroughfares, directed to the treasurer of Rappahannock county, who shall duly honor the same when signed by all of said disinterested freeholders.

2. This act shall be in force from its passage.

CHAP. 50.—An ACT to amend and re-enact section 18 of an act entitled an act to incorporate the Lynchburg traction company, approved February 12, 1894, extending the time within which the work of construction shall be begun and completed.

Approved January 11, 1896.

1. Be it enacted by the general assembly of Virginia, That section eighteen of an act entitled an act to incorporate the Lynchburg traction company, approved February twelfth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 18. Provided that the charter is granted on the express condition that the work of construction shall be begun within two years from the twelfth day of February, eighteen hundred and ninety-six, and completed within five years from that date.

2. This act shall be in force from its passage.

CHAP. 51.—An ACT to amend and re-enact section eight of an act entitled “an act to incorporate the Potomac and Great Falls railroad company,” approved January 26, 1892, as amended and re-enacted by an act entitled “an act to amend and re-enact sections one, two, five, and eight of an act, approved January 26, 1892, entitled an act to incorporate the Potomac and Great Falls railroad company,” approved January 31, 1894.

Approved January 11, 1896.

1. Be it enacted by the general assembly of Virginia, That section eight of an act entitled an act to incorporate the Potomac and Great Falls railroad company, approved January twenty-six, eighteen hundred and ninety-two, as amended and re-enacted by an act entitled an act to amend and re-enact sections one, two, five, and eight of an act approved January twenty-six, eighteen hundred and ninety-two, entitled an act to incorporate the Potomac and Great Falls railroad company, approved January thirty-one, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 8. The said company shall commence the construction of this railroad within two years, and shall complete the same within five years from the thirty-first day of January, eighteen hundred and ninety-six.

2. This act shall be in force from its passage.

CHAP. 52.—An ACT to incorporate the Frederick electric railway company.

Approved January 11, 1896.

1. Be it enacted by the general assembly of Virginia, That H. H. Baker, George W. Haddox, W. H. Sale, S. B. Sale and Philip H. Gold, their associates, successors and assigns, be, and they are hereby, constituted and declared a body politic and corporate by the name and style of the Frederick electric railway company.

2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each.

3. It shall be lawful for any other company, county, city, town, district or individual to subscribe to the capital stock of said railway company.

4. The said Frederick electric railway company is hereby authorized, empowered and permitted to locate, construct, equip and operate an electric railway or railways, beginning at the city of Winchester and running to or through any towns or villages in the county of Frederick to any town or city in any adjoining county, or to the West Virginia state line.

5. Subject to the general law of this state, it shall be lawful for the said company to run its line along, over or across any other railroad or roadway now constructed, or which shall hereafter be constructed, within this state, but in all cases in which the said electric

railway company shall subject the property or real estate of any other company or individual to its uses, or acquire any of the same, it shall be in the mode prescribed by law.

6. The said company shall have power to issue and sell bonds at such times and on such terms as the directors may deem expedient, or to borrow money in such sums as they may deem necessary to carry on its work, and in order to secure the payment of its bonds or the repayment of the money so borrowed, may create mortgages or deeds of trust on its chartered rights, franchises and property.

7. The said company may receive as subscriptions to its capital stock any real or personal property, labor or service that may be agreed upon between the said company and its subscribers, and may exchange its bonds for the same, and such property may be chartered rights and franchises, and it may hold, sell, improve or convey, in such manner as to the company may seem best, any real estate so acquired.

8. Any mining, manufacturing, or other corporation may subscribe to, guarantee, or hold the stock or bonds of said company, and said company shall have the right to subscribe to, guarantee or hold the stock or bonds of any mining, manufacturing, or other corporation.

9. The corporators named in this act shall constitute and have all the powers of a board of directors for the first year, and shall continue in office until their successors shall be elected and qualified. They shall have the power and authority of a president and board of directors for the purpose of re-organization and for all other purposes incident thereto.

10. Whenever ten thousand dollars of the capital stock shall have been subscribed, the corporators, as a board of directors, shall proceed to organize the company by the election of such officers and agents as may be deemed necessary.

11. The said company shall then be considered legally organized, and shall have all the general powers conferred upon corporations and chartered companies by the laws of this state, and shall be subject to all the provisions thereof except in so far as the same are modified or are inconsistent with this act.

12. All taxes which may be assessed against said company shall be paid in lawful money of the United States.

13. The construction of said electric railway shall be begun in two years from the passage of this act and completed in five years thereafter.

14. This act shall at all times be subject to amendment, alteration and repeal by the general assembly of Virginia.

15. This act shall be in force from its passage.

CHAP. 53.—An ACT to amend and re-enact sections 10 and 11 of an act entitled an act to incorporate the Virginia seaboard and western railroad company, approved February 10, 1894.

Approved January 11, 1896.

1. Be it enacted by the general assembly of Virginia, That sections ten and eleven of an act entitled an act to incorporate the Virginia seaboard and western railroad company, approved February tenth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 10. It shall be lawful for said company to consolidate with any other railroad company heretofore incorporated or hereafter to be incorporated in or out of the state of Virginia, whose line or road connects or will connect with the railroad hereby authorized to be constructed; and it shall be lawful for the company hereby incorporated to lease or sell its works, property, and franchises, or any part of them, to any other such company; and it shall be lawful for this company to lease or purchase the works, property and franchises, or any part of them, of any other railroad company heretofore incorporated or hereafter to be incorporated in or out of the state of Virginia, and any other railroad company heretofore incorporated or hereafter to be incorporated in the state of Virginia is hereby authorized to consolidate with this company, or to sell or lease its works, property and franchises, or any part of them, to this company, or to purchase or lease the works, property and franchises of this company, or any part of them: provided that no consolidation of the corporation hereby created with any corporation chartered by another state, or any lease or sale thereof, shall operate to prevent such consolidated company from being a corporation of this state, or in any manner to impair the jurisdiction of the courts of this state in respect of the property and franchises so leased or purchased; and provided further, that any company purchasing under the authority of this act shall have power to make payment in its stock and bonds, and the selling company shall have power to accept the same.

§ 11. This act is subject to the proviso that the work of construction hereunder shall be begun not later than two years and completed within five years *from and after the first day of July, eighteen hundred and ninety-six*, unless the time therefor shall be extended by the general assembly, *or unless within that time this company shall have leased or purchased property or franchises under section ten of this act.* All taxes or demands due or to become due by this company to the state of Virginia shall be paid in lawful currency of the United States and not in coupons,

2. All acts and parts of acts in conflict with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 54.—An ACT providing for levying on seed cotton in the field in Brunswick county.

Approved January 11, 1896.

1. Be it enacted by the general assembly of Virginia, That cotton may be levied on in the field in Brunswick county on and after September fifteenth to satisfy any debt collectible under the law.

2. This act shall be in force from its passage.

CHAP. 55.—An ACT to permit the governor of Virginia to furnish small arms to the Newport News military academy.

Approved January 15, 1896.

1. Be it enacted by the general assembly of Virginia, That the governor be, and he is hereby, empowered to furnish the Newport News military academy with small arms for the use of the pupils of the said academy, if the same can be conveniently spared, taking from the principal of said academy bond, with approved security, for the return of the same when demanded.

2. This act shall be in force from its passage.

CHAP. 56.—An ACT to authorize the board of supervisors of the county of Lunenburg to employ and pay counsel.

Approved January 15, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Lunenburg shall have the power and authority to employ counsel, whenever in their opinion the interest of the county requires it, and pay such reasonable fees as may be agreed on out of the county levy for any services already rendered, or which may hereafter be rendered under contract with said board.

2. This act shall be in force from its passage.

CHAP. 57.—An ACT to amend and re-enact sections one and nine of an act entitled an act to incorporate the Chesapeake bay and Great Western railway company, approved February 19, 1894.

Approved January 15, 1896.

1. Be it enacted by the general assembly of Virginia, That sections one and nine of an act entitled an act to incorporate the Chesapeake bay and Great Western railway company, approved February nineteenth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That Marshall M. Gilliam, T. William Pemberton, and H. A. McCurdy, of the city of Richmond; Doctor B. L. Winston, of Hanover; Thomas L. Rosser and Thomas L. Rosser, junior, of Albemarle, and F. G. Winston, of Minneapolis, Minnesota, or such of them as may accept the provisions of this act, their associates, successors, and assigns be, and they are hereby, incorporated and made a body politic and corporate, under the name and style of the Chesapeake bay and Great Western railway company, and as such are authorized and empowered to locate, construct, equip, maintain, and operate a railroad, commencing at some point on the waters of the Chesapeake bay between the mouth of the James and the mouth of the Rappahannock rivers, to or near Hanover Junction, in the county of Hanover, or to some point on the Richmond, Fredericksburg and Potomac railroad south of said Hanover Junction.

§ 2. The said company shall be required to commence the construction of the said railroad within two years from the passage of this amended act, and to complete the construction of their line within five years thereafter.

2. This act shall be in force from its passage.

CHAP. 58.—An ACT to incorporate the Elizabeth night-ferry company.

Approved January 15, 1896.

1. Be it enacted by the general assembly of Virginia, That Wilson Reed, Charles T. Bland, R. E. B. Stewart, J. F. Newberne, M. D. Eastwood, and J. A. Wallace, and their associates, successors, and assigns be, and are hereby, incorporated into a body politic and corporate by the name of the Elizabeth night-ferry company, for the purpose and with the power of owning, equipping, leasing, chartering, and running one or more yachts, or boats propelled by naphtha, gasoline, electricity, or steam, for the transportation of passengers and freight on the Elizabeth river to and from Norfolk, Portsmouth, and Berkeley at night, when the Norfolk county ferries are not plying between said places; and from Pinner's Point and Bear Trap, in Norfolk county, to Norfolk or Lambert's Point, or to both,

either in the day or night, or to and from any other points on either side of the Elizabeth river which do not conflict or interfere with the business or operations of the Norfolk county ferries; provided that no ferry be established, maintained or operated across the western branch of the Elizabeth river from west Norfolk to port Norfolk, or within one-half mile of the bridge of the west Norfolk and port Norfolk drawbridge company.

2. The capital stock of said company shall not be less than five hundred dollars nor more than five thousand dollars, divided into shares of fifty dollars each. The above-named corporators, or any four of them, are hereby created a commission and authorized to receive subscriptions to the stock of said company in such manner as they may deem fit, and as soon as the minimum capital has been subscribed may call a meeting of the stockholders, who may organize the company. The capital stock may be increased from time to time until the maximum sum named in this act is reached.

3. The said company may acquire, by purchase or otherwise, and hold real estate not to exceed one acre at each landing-place, and may mortgage and encumber, by deed of trust or otherwise, and dispose of its real estate, wharves, docks, boats, and any other property, privileges, and franchises as they may deem to be necessary for the proper conduct of their business, and may issue bonds, to be secured on its property and franchises.

4. The said company may construct, own, equip, operate, and run a ferry from any of the above-mentioned points to any of the others at the time above specified, and may rent or lease boats and other equipments and terminals necessary for the operation of a ferry or ferries between said points, and may charge and collect tolls for the transportation of passengers and freights.

5. The said company may make rules and regulations for the management, control, and conduct of its business and property not inconsistent with the laws of the state or of the United States.

6. The provisions of this charter shall be complied with within two years from the passage of this act, otherwise the same shall be void.

7. All taxes due or to become due to the commonwealth of Virginia from the said company shall be paid in lawful money of the United States, and not in coupons.

8. This act shall be in force from its passage.

CHAP. 59.—An ACT authorizing the purchasers of the railroads and property of the Norfolk and Western railroad company, sold by foreclosure of a deed of trust or mortgage thereon, to become and be a corporation, to adopt a name therefor, and to possess and exercise general and other powers.

Approved January 15, 1896.

Whereas a certain consolidated cause in equity is now pending in the circuit court of the United States for the eastern district of Vir-

ginia, wherein the Fidelity insurance, trust and safe deposit company, and the Mercantile trust company, and others, are complainants, and the Norfolk and Western railroad company, a corporation created by and existing under the laws of the State of Virginia, is defendant, in which suit it is sought to foreclose a deed of trust or mortgage dated the twenty-ninth day of October, eighteen hundred and eighty-nine, and upon or about that day duly executed, acknowledged, and delivered by said railroad company to the Mercantile trust company of New York, in which suit also it is proposed to sell the mortgaged property, and premises, being the railroads, and branches, rights, privileges, franchises, and property of said railroad company in said mortgage described: now, therefore,

1. Be it enacted by the general assembly of Virginia, That the purchaser or purchasers of the said mortgaged premises of the said Norfolk and Western railroad company under a decree for the sale thereof in the course of the said suit in equity, and such person or persons as he or they may associate with himself or themselves, shall forthwith be constituted a body politic and corporate by the name which they may select as set forth in the deed of conveyance of said mortgaged premises, or in any writing signed by such purchaser or purchasers and recorded in the court in which the said deed of conveyance shall be first admitted for record; and such new corporation shall have, possess, and be invested with all the estate, right, title, and interest in and to such railroads and other property, with their appurtenances, and all the franchises, powers, rights, and privileges had and possessed by said Norfolk and Western railroad company to the same extent as a purchaser under sections twelve hundred and thirty-three and twelve hundred and thirty-four of the code of Virginia, and shall perform all the duties prescribed by said sections of said code; and in the organization of the new corporation, as well as for any of its purposes after organization, such new corporation may exercise any or all of the franchises, powers, rights, and privileges had and possessed by the Norfolk and Western railroad company; provided, however, that the said new corporation shall not be limited as to the amount or classification of its stock or bonds, except that the total amount of stock issued at the time of its organization shall not exceed one hundred million dollars and shall have no immunity from any lawful state, county, or municipal taxation by reason of its former charter or any law heretofore exempting it from taxation.

2. Such purchaser or purchasers may associate with him or them any number of persons in the organization of the new corporation, which may create and issue its stock and its bonds, secured by deed of trust or mortgage or otherwise, according to any plan adopted by such purchaser or purchasers and filed as hereinafter provided, or in the exercise of any of the franchises, powers, rights and privileges hereby vested or granted.

3. It shall be the duty of such new corporation, within six months after the conveyance to it of said mortgaged premises, to execute a certificate in writing under its common seal, attested by the signature of its president or vice-president, referring to the sale and con-

veyance by which it shall have acquired title to such premises and the plan of organization adopted by the purchasers, the amount and classes or kinds of capital stock and mortgage bonds or other obligations authorized to be issued, and also specifying the name of such new corporation and of its president, and the number and names of its directors, which certificate shall be filed in the office of the secretary of the commonwealth of Virginia, and a certified copy thereof shall be conclusive evidence of the existence of such new corporation

4. In addition to its other powers, such new corporation shall have, and from time to time may exercise, the following powers, or any of them—namely:

(a) The new corporation may issue its capital stock of one or more classes or kinds, and in one or more series or grades, with such preferences, conditions, and voting power as shall be provided in said plan of organization, and from time to time it may increase or decrease the amount of any class or kind or grade of such stock as shall be provided in said plan of organization, or with the approval of a majority in amount of the stockholders, given at a meeting of stockholders called for that purpose, unless and except as otherwise expressly provided in certificates representing stock previously issued. The shares of each class of stock shall be of such par amount, and shall entitle the holders to such vote, respectively, as shall be determined in the said plan of organization, or by the stockholders in like manner.

(b) The new corporation may borrow money and issue bonds or other evidences of indebtedness, and may secure the same from time to time by mortgage or deed of trust upon any or all of its property and franchises, and such new corporation, from time to time, may issue and sell its bonds and its capital stock at such prices and on such terms as shall be specified in said plan of organization, or as a majority in amount of the stockholders shall approve at any meeting, and may receive in payment therefor property, securities, or shares in any other corporation or corporations which under this act the new corporation is authorized to acquire or hold, and any stock so issued shall be deemed fully paid and free from any liability.

(c) The new corporation may, by purchase, by consolidation or merger of capital stock, property and franchises, by lease or otherwise, as shall be specified in said plan of organization, or on such terms as a majority in amount of the stockholders shall approve at any meeting, from time to time acquire the ownership or control of and operate any or all of the lines of railroad owned, leased, or operated by the Norfolk and Western railroad company, whether located in this or any other state or states, and any branches or extensions thereof, and also any or all of the rolling stock owned or used by the Norfolk and Western railroad company, and any terminals, wharves, warehouses, hotels, machine works, and other similar properties and plants of any corporation or corporations managed or controlled by the Norfolk and Western railroad company, and it may so acquire the stock and bonds, property and franchises of the corporation or corporations owning or from which are derived any such railroads, properties and plants; power being hereby granted to such

corporation or corporations, with the approval of a majority in amount of its or their shareholders, respectively, to make and carry out such sales, consolidations, mergers, leases, or other methods of acquisition.

5. The business, property and concerns of the new corporation shall be managed by a board of directors, consisting of not less than five members, and one of their number shall be chosen by the board as president. The stockholders may adopt by-laws for the government of the stock, property and concerns of the corporation, and for the regulation of its directors, officers and agents, and in and by such by-laws the stockholders may prescribe how such by-laws may be amended or repealed: provided, however, that until such by-laws shall be adopted by the stockholders the corporation shall be governed by by-laws adopted in accordance with the plan of organization.

6. The principal office of the company shall be in the city of Roanoke, in this state, at which all meetings of the stockholders shall be held; and all other offices, machine works and workshops of said company shall be located in the state of Virginia, so far as the same may be found practicable.

7. It shall be lawful for the circuit court of the city of Roanoke, upon the petition of the president and board of directors, at any time to order a change in the name of the company; but any such change of name shall be without prejudice to the rights of any creditor or to the exercise of any of the franchises, powers, rights, and privileges vested or granted by this act.

8. There shall be paid to the clerk of the county or corporation in which any deed of trust or mortgage authorized by this act may be first presented for recordation the rate of taxation prescribed by law for the recordation of deeds of trusts or mortgages upon the works and property of railroad companies lying partly in this state and partly in another state. Whenever any deed of trust or mortgage of the new corporation, or any deed of conveyance to the purchaser or purchasers or to the new corporation shall have been admitted or presented for recordation in one or more counties or corporations of this state, an exemplification thereof, duly certified by the clerk of the county or corporation to be a true copy of the said deed of trust or mortgage, or deed of conveyance, as the same has been admitted or presented for record in his office, may, upon payment of clerical fees, be admitted for record and be recorded in any one or more counties or corporations of this state, and such record and admission for record shall be as valid and effectual for all purposes of vesting title, of evidence, and of notice as the record of the original deed or instrument is now by law held and declared to be, and a notation of the record and admission for record of any exemplified copy may be noted by the clerk on the original deed or instrument as well as upon the exemplified copy.

9. All taxes and debts due or to become due the state of Virginia by the corporation shall be paid in lawful money of the United States, and not in coupons.

10. This act shall be in force from its passage.

CHAP. 60.—An ACT to authorize the Progressive endowment guild of America to deposit securities with the state treasurer, and to make annual reports to the auditor.

Approved January 16, 1896.

1. Be it enacted by the general assembly of Virginia, That the Progressive endowment guild of America, a fraternal beneficiary order, chartered by an act approved on the tenth day of January, eighteen hundred and ninety, shall have permission to deliver to and deposit with the treasurer of the state, bonds of the United States or of the state of Virginia, or of any municipal corporation in this state, or the stock of any bank, or business or industrial corporation, chartered by this state, to an amount not less than twenty-five thousand dollars in their aggregate cash value; and the treasurer shall thereupon give the proper officer of said order a receipt for the same. And said bonds or stock shall be accompanied by the proper evidence of authority to the treasurer, enabling him to validly transfer the same in the event of the sale of any portion thereof for the purpose of paying any of the liabilities hereinafter provided for; but all earnings on any such stock or interest on any such bonds, whether the latter be registered or coupon bonds, shall be paid to and retained by the said guild.

2. The securities so deposited shall be held for the benefit of all the members of the said order, to secure compliance by the said order with the terms of certificates of membership issued to its members who may have complied with its laws, rules and regulations. If the said guild shall fail to pay to the beneficiary named in any certificate of membership the amount due him, within sixty days after judgment obtained in a court of the city of Richmond having jurisdiction of the subject, the treasurer shall, upon application of the party to whom the money is so due, proceed to sell at auction such an amount of said bonds or stock as will pay the amount of the judgment and expenses of sale, and out of the proceeds of sale pay such judgment and expenses.

3. When the supreme executive committee of said guild, by resolution duly adopted and re-affirmed at a subsequent meeting of said committee, held after at least thirty days, shall require the return of said securities, or a portion thereof, then the treasurer shall deliver the same to the said order, or such officer thereof, as may be designated in said resolution; provided, however, that there shall be no suit at law pending against the said guild or judgment recorded against it. And whenever requested by the supreme secretary of said order, the treasurer shall give a certificate of the character and amount of securities so held by him, for which he shall be entitled, as well as for their safe-keeping, to make a reasonable charge.

4. It shall further be lawful for the said Progressive endowment guild of America to make and file with the auditor of the state, on or before the fifteenth day of February of each year, a report, sworn to by one or more of its executive officers, showing the amount of certificates of membership issued, the amounts received from

members, the benefits paid out, and other statements of its transactions during the past year, as follows:

I. Income during the year.

1. Amount received for assessments, \$——.
2. Amount returned on loans, \$——.
3. Rent, interest and dividends on stocks and bonds, \$——.
4. All other sources, viz: \$——.

Total amount received during the year, \$——.

II. Expenditures during year.

1. Benefits, losses and claims paid, \$——.
2. Sick benefits advanced, \$——.
3. Salaries and other compensation of officers and clerical force, \$——.
4. Paid for rent, \$——.
5. Paid for office expenses, chapter supplies, organization of chapters and upbuilding same, printing and advertising and all other expenditures, \$——.

Total amount expended during the year, \$——.

III. Assets.

Condition of mortuary—old age and benefit funds.

1. Negotiable note secured by first mortgage or deed of trust on city or town real estate, \$——.
 2. Negotiable notes secured by other collaterals, and general fund loan account, \$——.
 3. Total advanced for sick benefits to members in good standing to date, \$——.
 4. Real estate, \$——.
 5. Stocks and bonds, \$——.
 6. Cash in bank, \$——.
 7. Securities deposited with the state treasurer of Virginia, \$——.
- Total, \$——.

Condition of emergency and reserve funds:

1. Negotiable notes secured by first mortgage or deed of trust on city or town real estate, \$——.
 2. Negotiable notes secured by other collaterals and securities, \$——.
 3. Stocks and bonds, \$——.
 4. Real estate, \$——.
 5. Cash in bank, \$——.
- Total, \$——.
- Total of assets, \$——.

IV. Liabilities.

1. Losses and claims unpaid, \$——.
 2. Salaries due and unpaid, \$——.
 3. Due for borrowed money, \$——.
 4. All other liabilities, \$——.
- Total liabilities, \$——.

V. Exhibit of membership.

1. Membership in force at the end of the year preceding, for which this report is made. Number.—Amount of certificates, \$——.

2. Members admitted during the year. Number.—Amount of certificates, \$——.

Total.

Deduct members retiring by withdrawal or suspension during the year.

Deduct members who have died during the year. Number.—Amount of certificates, \$——.

Total members in good standing December 31st, 189—. No.———
\$——.

And the auditor shall furnish to the said order, or its proper officer, upon application a copy of said report, certified by him to be a correct copy, for which he shall be entitled to make a reasonable charge.

5. It shall further be lawful for the said Progressive endowment guild of America to request the auditor of the state to verify any of its annual statements so filed, by an examination of the books and papers of the said guild, and the auditor of state may make this examination, or cause it to be made, and he shall be entitled to make a reasonable charge therefor. The auditor may also furnish a certificate to the correctness of the statement filed and may make a reasonable charge for each certificate so furnished.

6. This act shall be in force from its passage.

CHAP. 61.—AN ACT to incorporate the Virginia mineral railway company.

Approved January 16, 1896.

1. Be it enacted by the general assembly of Virginia, That William A. Anderson, Archer A. Phlegar, John W. Robinson, T. J. Shickel, J. W. F. Allemong, H. S. Trout, James C. Langhorne, and D. B. Strouse and R. H. Logan, or such of them as may accept the provisions of this act, and such other persons and corporations as may become associated with them in the manner hereinafter provided, shall be, and they are hereby, constituted a body corporate by the name of the Virginia mineral railway company, and by that name shall have all the powers, rights, and franchises necessary and proper to construct, equip, operate, and maintain a railroad, to be known as the Virginia mineral railway company, and to be run from Salem, in the county of Roanoke, by such route as the said company may determine, through the counties of Roanoke, Montgomery, Pulaski, Wythe, Smyth, and Washington, to the line of the state of Tennessee, at or near the south fork of the Holston river, or through the counties of Floyd, Carroll, and Grayson, to the Tennessee or North Carolina line, or through the county of Patrick to some suitable point on the North Carolina line, or through Montgomery and Giles counties to the Pocahontas coal-field, or through Craig county by

such route as may be selected to the Potts creek iron-field, and to any connecting line of railroad; and the said company shall have power to purchase and hold mineral and timber lands for the purpose of working the same in order to furnish tonnage to its road, and to lease or sell the same, and to construct such branch lines as the company may see fit, no such line to exceed twenty-five miles in length. The capital stock of the said company shall not be less than one million dollars, nor more than four millions dollars, to be divided into shares of one hundred dollars each, each share being entitled to one vote; and it shall be lawful for the persons hereinbefore named, or any five of them, to organize the company by the election of a president and board of directors and such other officers as may be necessary; and thereupon they shall have and exercise all the general powers and functions of a corporation, and be subject to all the restrictions imposed by the laws of the state applicable to internal improvement companies, except so far as the same may be changed or modified by this act. But the said company shall not commence the construction of the said road until there is subscribed, by individuals or corporations, at least the sum of two hundred thousand dollars; and any connecting railroad company, with the assent of this company, may subscribe to the said stock, and subscriptions thereto be made in money, materials, or land.

The board of directors shall have power to issue bonds in sums of not less than one hundred dollars each, bearing interest at not exceeding six per centum per annum, the principal and interest payable at such times and places as the board of directors may determine, and may secure the same by one or more mortgages on the road, franchises, incomes, and real and personal property of the company, or such parts thereof as may be designated in the mortgages, and may lease its road-bed, rolling stock, and equipments, or any of them, to any other company, or may consolidate and merge its capital stock, rights and franchises, with the capital stock, rights, and privileges, with any other railroad corporation, either foreign or domestic, and the company so formed may adopt the name of either of the companies so consolidated or merged, or adopt a new name.

2. The said company is required to begin the work of construction within two years, and to complete its road within five years from the passage of this act.

3. The said company shall pay all taxes and dues accruing to the state of Virginia in lawful money of the United States, and not in coupons.

4. This act shall be in force from its passage.

CHAP. 62.—An ACT to amend sections 2475 and 2476 of the code of Virginia with reference to lien for work done and materials furnished by artisans, mechanics, lumber dealers and others.

Approved January 16, 1896.

1. Be it enacted by the general assembly of Virginia That sections twenty-four hundred and seventy-five and twenty-four hundred and seventy-six of the code of Virginia be amended and re-enacted so as to read as follows:

§ 2475. Lien for work done and materials furnished by artisans, mechanics, lumber dealers and others.—All artisans, builders, mechanics, lumber dealers and other persons performing labor about or furnishing materials for the construction, repair or improvement of any building or structure permanently annexed to the freehold, and all persons performing any labor or furnishing materials for the construction of any railroad, whether they be general or sub-contractors or laborers, shall have a lien, if perfected as hereinafter provided, upon such building or structure, and so much land therewith as shall be necessary for the convenient use and enjoyment of the premises, and upon such railroad and franchise, for the work done and materials furnished; but where the claim is for repairs only, no lien shall attach to the property repaired unless the said repairs were ordered by the owner or his agent.

§ 2476. A general contractor and all persons performing any labor or furnishing any materials for the construction of any building, structure or railroad, in order to perfect the lien given by the preceding section, shall, at any time after the work done and materials furnished, and before the expiration of sixty days from the time such building, structure or railroad is completed or the work thereon otherwise terminated, and from the time such labor is last performed or materials furnished for the construction of any building, structure or railroad, file in the clerk's office of the county or corporation in which the building, structure or railroad, or any part thereof is, or in the clerk's office of the chancery court of the city of Richmond, if the said building, structure or railroad is within the corporate limits of said city, an account showing the amount and character of the work done or materials furnished, the prices charged therefor, the payments made, if any, and the balance due, verified by the oath of the claimant or his agent, with a statement attached declaring his intention to claim the benefit of said lien, and giving a brief description of the property on which he claims the lien. It shall be the duty of the clerk in whose office such account and statement shall be filed, as hereinbefore provided, to record the same in a book to be kept by him for that purpose, called mechanics' lien record, and to index the same in the name as well of the claimant of the lien as of the owner of the property, and from the time of such filing all persons shall be deemed to have notice thereof.

2. This act shall be in force from its passage.

CHAP. 63.—An ACT to amend and re-enact an act approved March 3, 1892, entitled an act to amend and re-enact section 2 of an act passed by the general assembly of Virginia entitled an act to incorporate the Bland county land, improvement, development and transportation company, approved February 22, 1890, and to amend and re-enact section 4 of said act approved February 22, 1890, entitled an act to incorporate the Bland county land, improvement, development and transportation company; to amend, re-enact and change the title of said last-named act, and to enlarge the powers of said company so that it may have and exercise all the rights, powers and privileges of a railway company.

Approved January 16, 1896.

1. Be it enacted by the general assembly of Virginia, That the title to an act, entitled an act to incorporate the Bland county land, improvement, development and transportation company, approved February twenty-two, eighteen hundred and ninety, be, and the same is hereby, amended and re-enacted so as to read as follows: An act to incorporate the Bland county railway, land and development company.

2. That section two of said act, approved March three, eighteen hundred and ninety-two be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 2. The capital stock of the said company shall not be less than ten thousand dollars, and may be increased to any amount not exceeding seven million five hundred thousand dollars by the issue and sale of shares, the par value of which shall not be less than one hundred dollars, from time to time, under such regulations as the board of directors of said company shall, from time to time, prescribe; and the directors may receive real or personal property suited to the business of the company in payment of subscriptions to the capital stock, at such valuation as may be agreed upon between the directors and the subscribers, and otherwise sell or dispose of said stock in such manner and upon such terms and at such price as the board of directors may prescribe. The incorporators named in said act approved February twenty-two, eighteen hundred and ninety, and their associates, may organize thereunder at any time within one year from the passage of this act.

3. Be it further enacted, that section four of said act approved February twenty-two, eighteen hundred and ninety, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 4. The said company is authorized and empowered to mine coal, iron-ore or other minerals; to prepare the products thereof for market; to make coke, and transport and sell the same; to manufacture iron and steel and other metals, and articles composed wholly or partly of iron, steel, or other metals, or of wood; to bore for salt, oil or gas, and manufacture, transport and refine the same, or to sell and dispose of the same; to erect blast-furnaces, rolling mills, forges, mills, machinery, fixtures and buildings; to own, operate and construct saw-mills, manufacture and sell all kinds of timber and lumber, and the necessary appliances and appurtenances required in the conduct of their business; to purchase, lease, hold and control in any manner, grant, bargain, sell and convey iron-

ores, mineral, limestone and other lands, and rights and interest in lands situated in the county of Bland and elsewhere in the state of Virginia, not exceeding, however, thirty thousand acres of land in any one county; to lay out develop and improve the same; and the said company may locate, construct and operate, as a common carrier, a line of railroad, or railroads from a point in any county or counties, in which are situate any of its lands or works, to any point on any railroad or railroads now or hereafter constructed in or to the said counties in which it is authorized to hold land, and may issue bonds thereon, in the aggregate not to exceed ten million dollars, and may secure the same by mortgage, trust-deed, or otherwise; provided nothing herein contained shall be considered as exempting the company from the provisions of the code of Virginia of eighteen hundred and eighty-seven, if it shall engage in the construction or operation of any railroad; and the said company may acquire, by condemnation in the mode prescribed by law, the lands necessary for the right of way of its railroad, and for necessary stations, depots and sidings. And said company is authorized and empowered, whenever it shall have located any railroad hereunder, to merge or consolidate the same with any other corporation of this or an adjoining state, owning or operating a line of railroad completed or in process of construction, or which is located and about to be constructed wholly or partly within this or an adjoining state, and may adopt another name for its road thus merged or consolidated, by filing in the office of the secretary of the commonwealth a declaration of the adoption of such other name, which said merged or consolidated road, under the name so adopted, shall succeed to, and become vested with, all the rights, powers and privileges granted by this act; but such merger or consolidation shall be made only upon such terms and conditions as shall be agreed to by the stockholders owning a majority of the stock in each of the companies so merging or consolidating; provided, however, that such merger or consolidation shall not invalidate any action, suit, claim or demand against any or either of the companies who are parties thereto; and any such action, suit, claim or demand shall be held to be in full force against the company owning such consolidated line of railroad; but in no case shall any consolidation or merger take place except after ten days' notice published in some newspaper of general circulation published in the county of Bland or in an adjoining county. The railroad or railroads authorized to be constructed hereunder, shall be commenced within two years and completed within five years from the passage of this act.

4. Be it further enacted by the general assembly of Virginia, That all the rights, power, and privileges granted and conferred by said original act, approved February twenty-second, eighteen hundred and ninety, shall be vested in and exercised by the company organized and operating under this act, with full power to the company named in said original act to organize under the name mentioned in section one of this act, or under the said original act.

5. This act shall be in force from the date of its passage, but the general assembly of Virginia reserves the right to alter or repeal this act, or any part thereof, at any time hereafter.

CHAP. 64.—An ACT to incorporate the city of Newport News, in the county of Warwick, and to provide a charter therefor.

Approved January 16, 1896.

1. Be it enacted by the general assembly of Virginia, That the territory contained within the following limits, namely: Beginning at a point at low-water mark on James river, where the centre line of Fiftieth street produced intersects the same; thence eastward along the centre line of said Fiftieth street to the west boundary line of the right of way of the Chesapeake and Ohio railway company; thence following the said right of way southward to the centre of Thirty-sixth street; thence eastward along said centre of Thirty-sixth street to the intersection of the centre line of Madison avenue; thence along said centre of Madison avenue to the centre of Thirty-second street; thence along said centre of Thirty-second street eastward to the boundary line between the counties of Elizabeth City and Warwick; thence with said county line southward to the intersection of the centre line of Twentieth street; thence along said centre of Twentieth street westward to the east side of the present right of way of the Chesapeake and Ohio railway company, being three hundred feet west of Warwick avenue; thence along said east side of the right of way of the Chesapeake and Ohio railway company to a point in line with the southeast boundary line of George B. West's property produced in a northeasterly direction; thence in a southwesterly direction along the said line of G. B. West produced and with said G. B. West to the low-water mark of James river; thence along said low-water mark of James river to the point of beginning, in accordance with the map of the city of Newport News, made by W. A. Post, civil engineer: all of said territory being in the county of Warwick, shall be deemed and taken as the city of Newport News, and said boundaries shall be construed to embrace all wharves, docks and other structures of every description that have been or may hereafter be erected along said water front; and the inhabitants of the city of Newport News for all purposes for which towns and cities are incorporated in this commonwealth shall continue to be one body politic in fact and in name under the denomination of the city of Newport News, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges conferred upon cities by law; be subject to all the laws now in force and all that hereafter may be enacted for the government of cities of five thousand or more inhabitants, and be subject to all duties and obligations now incumbent upon and pertaining to said city as municipal corporation.

2. The said city of Newport News shall be divided into seven wards, as follows:

First ward.—Beginning at a point at low-water mark on James river and in line with George B. West's southeasterly boundary line; thence with West's southeastern boundary produced to a point in line with the east side of the right of way of the Chesapeake and

Ohio railway company; thence along said right of way, being three hundred feet distant from Warwick avenue, to the centre line of Twenty-fourth street; thence along said centre line of said Twenty-fourth street to low-water mark on James river; thence along said low-water mark to the point of beginning.

Second ward.—Beginning at the intersection of the eastern side of the right of way of the Chesapeake and Ohio railway company with the centre of Twenty-fourth street; thence along the centre line of said Twenty-fourth street to its intersection with the centre line of Marshall avenue; thence with the centre of said Marshall avenue to its intersection with the centre line of Twentieth street; thence along the centre of said Twentieth street to the eastern side of the right of way of the Chesapeake and Ohio railway company; thence along said right of way to the point of beginning.

Third ward.—Beginning at the intersection of the centre line of Marshall avenue with the centre line of Thirty-second street; thence along the centre of Thirty-second street to the county line of Elizabeth City and Warwick counties; thence southward along said line to the centre of Twentieth street produced; thence along said centre of Twentieth street to the centre of Marshall avenue; thence with said centre of Marshall avenue to the point of beginning.

Fourth ward.—Beginning with the centre line of Twenty-seventh street, where it intersects the centre line of Marshall avenue; thence along said line of Marshall avenue to the centre of Twenty-fourth street; thence with the centre of Twenty-fourth street to low-water mark on James river; thence along said low-water mark to the centre of Twenty-seventh street produced; thence with the centre line of Twenty-seventh street to the point of beginning.

Fifth ward.—Beginning at the intersection of the centre line of Thirty-first street with the western side of the right of way of the Chesapeake and Ohio railway company; thence along said right of way to the centre of Twenty-seventh street; thence with the centre of said Twenty-seventh street to low-water mark on the James river; thence along said low-water mark to the centre of Thirty-first street produced; thence with the centre line of the said Thirty-first street to the point of beginning.

Sixth ward.—Beginning at low-water mark on the James river in line with the centre of Thirty-sixth street produced; thence along the centre to said Thirty-sixth street to the centre of Washington avenue; thence with the centre of Washington avenue to the centre of Thirty-seventh street; thence with the centre of said Thirty-seventh street to the western side of the right of way of the Chesapeake and Ohio railway company; thence along said right of way to the centre of Thirty-sixth street; thence along the centre of said Thirty-sixth street to the centre of Madison avenue: thence along said centre of Madison avenue to the centre of Thirty-second street; thence along the centre of Thirty-second street to the centre of Marshall avenue; thence with said centre of Marshall avenue to the centre of Twenty-seventh street; thence with the centre of Twenty-seventh street to the west side of the right of way of the Chesapeake and Ohio railway company; thence along said west side of the right of

way of the Chesapeake and Ohio railway company; thence along said west side of said right of way to the centre of Thirty-first street; thence with the said centre of Thirty-first street to low-water mark on the James river; thence along said low-water mark to the point of beginning.

Seventh ward.—Beginning at low-water mark on the James river at the centre of Fiftieth street produced; thence along said centre of Fiftieth street to the western side of the right of way of the Chesapeake and Ohio railway company; thence along the said right of way to the centre of Thirty-seventh street; thence with the centre of said Thirty-seventh street to the centre of Washington avenue; thence with the centre of the said Washington avenue to the centre of Thirty-sixth street; thence with the said centre of Thirty-sixth street to low-water mark on the James river; thence along said low-water mark to the point of beginning.

3. The following-named officers are hereby appointed to fill the following offices until the first day of July, eighteen hundred and ninety-six, and until their successors are duly elected and qualified, namely: W. A. Post, mayor; E. W. Milstead, sergeant; J. K. M. Newton, commonwealth's attorney; William P. Ballard, commissioner of the revenue; James M. Curtis, treasurer; D. G. Smith, clerk; R. S. Shield, constable.

First ward.—Claude L. Barham and George W. Burcher, council, and W. E. Barrett, justice of the peace.

Second ward.—F. C. Lenz and Joseph Banks, council, and J. M. Griffin, justice of the peace.

Third ward.—Carter Perkins and L. Sumpter Davis, council, and C. R. Hoskins, justice of the peace.

Fourth ward.—D. S. Jones and George Via, council, and J. D. G. Brown, justice of the peace.

Fifth ward.—J. A. Willett and E. W. Robinson, council, and Harris L. Moss, justice of the peace.

Sixth ward.—James F. Hughes and J. J. O'Donnell, council, and M. B. Herman, justice of the peace.

Seventh ward.—James Dougherty and Mark McLaughlin, council, and James Maloney, justice of the peace.

Said persons are to take the oaths of office and enter upon the discharge of the duties of their respective offices as soon as practicable after the passage of this act; and they are hereby clothed with all the powers and shall be subject to all the provisions appertaining to their respective offices herein prescribed.

4. The mayor and all other municipal officers of said city, before entering upon the duties of their respective offices, shall be sworn in accordance with the laws of the state by any one authorized to administer oaths under the laws of the state. If any person elected or appointed to any office in said city shall neglect to take such oath before the day on which he is to enter upon the discharge of the duties of his office, or shall for twenty days after the beginning of his term of office fail to give such securities as may be required of him by the council, he shall be considered as having declined said office, and the same shall be declared vacant, and such vacancy shall be filled as prescribed in section fourteen of this act.

5. The administration and government of said city shall be vested in one principal officer, to be styled the mayor, and in one body, to be called the common council of the city of Newport News, and in such other bodies and officers as are hereinafter provided for.

6. The municipal officers of said city shall consist of a mayor and fourteen common councilmen (and the said councilmen shall serve without compensation), a city clerk, a police justice, a treasurer, an auditor, a clerk of the hustings court, a sergeant, a commissioner of revenue, one justice of the peace for each ward, one constable, a commonwealth's attorney, and a city engineer.

7. The mayor, sergeant, commonwealth's attorney, justices of the peace, and constable shall be elected by the qualified voters of the city on the fourth Thursday in May, eighteen hundred and ninety-six, and every two years thereafter; the treasurer shall be elected by the qualified voters of the city on the fourth Thursday in May, eighteen hundred and ninety-six, and every three years thereafter; the clerk of the hustings court shall be elected by the qualified voters of the city on the fourth Thursday in May, eighteen hundred and ninety-six, and every six years thereafter; the commissioner of the revenue shall be elected by the qualified voters of the city, on the fourth Thursday in May, eighteen hundred and ninety-six, and every four years thereafter.

8. At the general election to be held on the fourth Thursday in May, eighteen hundred and ninety-six, there shall be elected seven councilmen, whose term of office shall expire on the thirtieth day of June, eighteen hundred and ninety-seven; also, seven councilmen whose term of office shall expire on the thirtieth day of June, eighteen hundred and ninety-eight; and thereafter seven councilmen shall be elected each year at the said general election, whose term of office shall be two years. The councilmen so elected under this act shall be elected by the qualified voters of the said city of Newport News, each ward to elect its own councilmen, and to be represented in the council by an equal number.

9. The election of all the foregoing officers shall be held under and pursuant to the general laws of the state.

10. The term of office of said officers shall begin on the first day of July succeeding their election.

11. The common council shall elect a city engineer, a city auditor, a police justice, a city clerk, a health officer, all of whom shall hold office for two years; and the common council may appoint where not otherwise provided, such officers as are prescribed by this charter; but no offices not specially provided by this charter shall be created except by a vote of three-fourths of the members of the council.

12. The term of office of those officers mentioned in the preceding section, and all other officers elected by the council, shall begin on the first day of August succeeding their election.

13. No person shall be eligible to any municipal office in said city unless he is a qualified voter thereof, nor shall any person be capable of holding at the same time more than one of the offices mentioned in this act to be elected by the people; and removal from the city of any one holding a municipal office shall vacate said office.

14. The officers elected by the council may be removed from office for cause after a proper investigation and hearing. In case of any vacancy occurring in any municipal office, where it is not herein otherwise provided, the said council shall appoint a qualified person to fill said office during the unexpired term.

15. The council shall grant and provide for the payment of all city officers, clerks and assistants elected or appointed in pursuance of this act such salaries or compensation as shall be fixed by this act, or, where no compensation is fixed by this act, such as the said council may from time to time deem just and proper.

• 16. Any person holding a municipal office and vacating the same on account of removal or otherwise shall deliver over to his successors in office, or to the city clerk, all property, books and papers belonging to the city or appertaining to such office, which may be in his possession or under his control; and in case of his failure to do so within ten days after he shall have vacated the office, or within such time thereafter as the council shall elect, and upon notification or request of the city clerk, he shall forfeit and pay to the said city the sum of five hundred dollars, to be recovered under provisions of chapter thirty-one of the code of eighteen hundred and eighty-seven, with costs; and all books, records and documents used in such office by virtue of any provision of this act, or of any ordinance or resolution of the council, or by order of any superior officer of said city, shall be deemed the property of said city and as appertaining to said office, and the incumbent of said office and his sureties shall be responsible therefor.

17. All officers provided for in this act and all officers appointed by the council shall, before entering upon the discharge of their duties, execute bond, payable to the city of Newport News, in such penalty as said council may prescribe, conditioned for the faithful discharge of their respective duties; all sureties to be residents of the state of Virginia, or well known and responsible surety companies, as the council may elect: provided that the provisions of this section shall not apply to the councilmen, the mayor, commonwealth's attorney, justices of the peace, overseers of the poor, and the city physician and board of health.

18. The council shall elect annually one of its members as president, and when, from any cause, he shall be absent, it shall elect a president pro tempore.

19. The president shall have power to call special meetings of the council, and, in case of his absence or refusal, the council may be convened by order of the clerk upon the request of any five members in writing; but no special meeting shall be convened until reasonable notice has been served upon each member of the council in person, or by leaving a copy of the same at his usual place of abode.

20. The council shall fix by ordinance the time for holding its stated meetings, and no business shall be transacted at a special meeting except that for which it shall have been called.

21. The council shall have authority to adopt such rules and to appoint such officers, committees and clerks as it may deem proper -- the regulation of its proceedings and the convenient transaction

of its business; to compel the attendance of absent members; to punish its members for disorderly behavior; and, by a vote of three-fourths of its members, to expel a member for malfeasance or misfeasance in office, or gross neglect of official duty. It shall keep a journal, in which the clerk shall record the proceedings of each session, and the same shall be properly indexed. All resolutions and ordinances shall be recorded in a book to be called the ordinance book, which shall be properly indexed.

22. The meetings of the council shall be open to the public. A majority of the members shall constitute a quorum for the transaction of business, but no ordinance shall be passed, and no resolution adopted having for its object the appropriation of money, except by a concurrence of a majority of all the council. No vote taken at a stated meeting shall be considered at a special meeting, unless there be at least ten members present and eight concur therein.

23. If any member of said council shall be absent from its meetings voluntarily for three consecutive months, his seat shall be deemed vacant, and the unexpired term of his office shall be filled according to law; but no member of the council shall be removed without first having received reasonable notice of the action about to be taken.

24. The council shall have, subject to the provisions of this act, the control of the fiscal and municipal affairs of said city, and all property, real and personal, belonging to said city, and may make such ordinances and by-laws relative to the same as it may deem proper; and it shall likewise have the power to make such ordinances, orders, by-laws and regulations as it may deem necessary to carry out the following powers, which are hereby vested in it.

25. To establish a market or markets in and for said city, and to appoint necessary officers therefor; to prescribe the time and place for holding the same; and to provide suitable buildings and grounds therefor, and to enforce such regulations as shall be necessary and proper to prevent huckstering, forestalling and regrating; and to direct and provide for a census or enumeration of the population of the city at such time or times as it may deem expedient.

26. To erect and provide, in or near the city, suitable workhouses, houses of correction and reformation and houses for the reception and maintenance of the poor and destitute; and it shall possess and exercise authority over all beneficiaries of the poor law, or over those who may be entitled to benefits thereunder; to appoint necessary officers or other persons necessary to be connected with the aforesaid institutions, and to regulate pauperism within the limits of said city; and the council, through the agency it shall appoint for the direction and management of the poor of the city, shall exercise the powers and perform the duties vested by law in overseers of the poor.

27. To acquire or erect and keep in order all public buildings necessary and proper for said city; to erect and provide within the city a city prison; and said prison shall contain such apartments as shall be necessary for the safe-keeping of all persons confined therein.

28. To establish, enlarge or acquire water-works, electric-light or

gas-works within or without the limits of the said city; to contract for the use of water and lights for city purposes, and to agree with the owners of any land for the use and purchase thereof or to have the same condemned according to law, for the location, extension, enlargement or improvement of said works, the pipes connected therewith, or any fixtures or appurtenances thereof; and shall have the power to protect from injury, by ordinance prescribing adequate penalties, the said works, pipes, fixtures and lands, or anything connected therewith, or works, fixtures and appurtenances of water, electric light and gas companies established under its authority or now existing, whether within or without the limits of said city; provided that the council shall in no way, by the exercise of the right of eminent domain conferred by this act, interfere with the rights, property or franchises of any chartered company now existing.

29. To open, to close, to improve, to widen or narrow streets, avenues and alleys, and have them kept in good order and properly lighted; to make sidewalks; to build bridges, culverts, and to build or acquire sewers within the said city, or to cause to be graded, paved or macadamized any public street, avenue or alley, or any part thereof, which is now or may hereafter be laid out or opened within the boundaries of said city, and to have the same set with curb-stones; and shall have the power to provide for the payment of such improvements out of the general revenue, or by assessment on the real estate benefited thereby; the proportion of the cost to be paid by each to be determined by the council as in its judgment shall seem expedient, subject to the limitations hereinafter prescribed; and over any street or alley in the city, which may be ceded, dedicated or conveyed to the city, it shall have like power and authority as over other streets and alleys. It may prevent the building of or remove any unlawful structure, obstruction or encroachment, upon over or under any street, sidewalk or alley in said city; and may permit shade trees to be planted along said streets; but no company and no individual shall occupy with its or his works, or with any appurtenances thereof, the streets, sidewalks or alleys in the city, without the consent of the council, regularly granted by resolution or ordinance, or unless otherwise authorized by law so to do.

30. To prevent the unlawful cumbering of streets, sidewalks, alleys, lanes, or bridges in the city in any manner whatever.

31. To determine and to designate the route and grade of any railroad to be hereafter laid in said city; to restrain and regulate the rate of speed of locomotive engines and of cars upon railroads in said city; to grant franchises to railroads and other corporations through, along, and under the streets of said city, upon such conditions as the council may determine; and to require the establishment of all necessary railroad crossings within said city, subject, however, to the following conditions, limitations, and provisions, to wit: That for and during the period of six years from the date of this charter not exceeding three crossings shall be established across and over the tracks and road-bed of the Chesapeake and Ohio railway company in said city, to be located respectively at the intersection of the said railroad with Twenty-fifth, Twenty-eighth, and Thir-

ty-fourth streets, and that all of said crossings at any time established and constructed after the passage of this charter shall be overhead crossings of not less than twenty-one feet in height from the level of said tracks; and the expense of establishing and constructing all crossings over said tracks and road-bed shall be borne equally by the said Chesapeake and Ohio railway company and by the said city; provided, however, that the existing crossing at Twenty-eighth street may be continued as a grade crossing until such time as the council of said city shall require the same to be constructed as an overhead crossing.

32. To make provisions for and to regulate the weighing of hay, fodder, oats, shucks, or other long forage.

It may also provide for the measuring of oats, corn, grain, coal, stone, wood, lumber, boards, potatoes, and other articles for sale or barter.

33. To require every merchant, retailer, trader, and dealer of merchandise, or property of any description, which is sold by weight or measure, to cause his weights or measures to be sealed by the city sealer, and to be subject to his inspection; and it may impose penalties for any violation of such ordinance.

34. To secure its inhabitants from contagious, infectious, or other dangerous diseases; to establish, to erect, and to regulate hospitals; to provide for and to enforce the removal of patients to the hospital or hospitals established by the city, or to a private hospital or hospitals; to appoint and organize a board of health for said city, and to clothe it with authority necessary for the prompt and efficient performance of its duties.

35. To require and to compel the abatement or removal of all nuisances within said city at the expense of the person or persons causing the same, or of the owner or owners of the grounds whereon the same may be, and to collect said expense by a suit or motion; to prevent and to regulate slaughter-houses, soap and candle-factories within said city, or to restrain the exercise of any dangerous, offensive or unwholesome business, trade or employment therein, and to regulate the transportation of coal and other articles through the streets of said city.

36. If any ground in said city be commonly covered with stagnant water, or if the owner or owners, occupier or occupiers, thereof shall permit any offensive or unwholesome substance to remain or accumulate therein, after reasonable notice to said owner or owners, occupier or occupiers, the council, if such owner or owners, occupier or occupiers, shall fail so to do within a reasonable time, may cause such grounds to be filled, raised or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense for so doing from the owner or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the city authorities or their agents, in which case the city shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon the real estate for the benefit of the city are authorized to be collected, or by suit or motion; provided that reasonable demand shall first be made

upon the owner or owners, or his or her or their agent or agents. In case of non resident owners, who have no agent in said city, such notice and demand may be given and made by publication for not less than ten days in any newspaper published in said city, all expenses of said publication to be paid by the owner or occupier as above. The occupier of said premises shall only be compelled to pay for the same an amount not exceeding the amount due by him for rent, and he shall have the right to offset any amount he may have so paid against the rent due the owner of the premises.

37. To direct the location of all buildings for storing gunpowder and other combustible and explosive substances, and to regulate the same and use of gunpowder, fire-crackers, or fire-works manufactured or prepared therefrom, kerosene oil, nitro-glycerine, camphene, burning fluid, or any other combustible material; to regulate the exhibition of fire-works, the discharge of fire-arms, the use of lights and candles in barns, stables and other out buildings, and to restrain the making of bonfires in streets and yards.

38. To prevent hogs, dogs and other animals from running at large within said city, and to subject the same to confiscation, regulations and taxes, as it may deem proper.

39. To prevent the riding and driving of horses and other animals at any improper speed; throwing stones or engaging in any employment or sport on the street, sidewalks or public alleys, dangerous or annoying to passengers, and to prohibit and punish the abuse and cruel treatment of horses and other animals in said city.

40. To restrain and punish drunkards, vagrants and street beggars; to prevent vice and immorality; to preserve the peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses; to prevent and punish lewd, indecent and disorderly exhibitions in said city, and to expel from the said city persons guilty of such conduct who have not resided therein as much as one year.

41. To prevent, forbid and punish the selling or giving away of liquors and intoxicating drinks to be drunk in any public place not duly licensed, and the selling or giving to be drunk any intoxicating drinks or liquors to any child or minor, and the selling or giving away of cigarettes to any minor under sixteen years of age; and for any violation of any such ordinance it may impose fines in addition to those prescribed by the laws of the state.

42. To prevent the coming into the city of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the city.

43. To prescribe the limits within which no buildings shall be constructed, except of brick, stone or other incombustible material, with fire-proof roof, and to impose a penalty for a violation of any such ordinance; and to appoint one or more persons to inspect buildings, and condemn such as are unsound or unsafe.

44. The common council is empowered to hold such lands as may have already been acquired by the city of Newport News, to be used as a place for the burial of the dead, and to acquire, by purchase or otherwise, such additional lands as may be necessary for that pur-

pose. The said council shall also have power to prescribe and enforce all needful rules and regulations, not inconsistent with the laws of the state, for the use, protection and preservation of the cemetery or cemeteries; to set aside, in its discretion, by metes and bounds, a portion thereof for the interment of strangers and indigent poor; to divide the remainder into burial lots, and to sell or to lease the same, and to direct and provide for the execution of all proper deeds and other writings in evidence of such sale or lease, and to prescribe what class or condition of persons shall be admitted to interment in the cemetery or cemeteries; and when established or enclosed, with the property included in it or them, shall be exempt from all state, county and municipal taxation.

45. Where, by the provision of this act, the council has the authority to pass ordinances on any subject, it may prescribe any penalty not exceeding five hundred dollars for the violation thereof, and may provide that the offender, on failing to pay the penalty imposed, shall be imprisoned in the jail of the city for a term not exceeding ninety days, which penalties may be prosecuted and recovered, with costs, in the name of the city of Newport News, or may compel them to work on the streets or other public improvements of said city. The accused, if convicted, shall have the right of appeal to the hustings court of said city.

46. The council shall not take any private property for public purposes without making the owner thereof just compensation for the same; and when the council cannot, by agreement with the owner, obtain the title to or the use of such property for such purposes, it shall be lawful for the said council to institute and prosecute proceedings for the condemnation thereof according to law.

47. In every case where a street in said city has been or may be encroached upon by any fence, building or otherwise, the council may require the owner (if known, or if unknown, the occupant of the premises encroaching) to remove the same, and if the removal be not made within the time prescribed by the council, it may impose a penalty of five dollars a day for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and may collect from the owner all reasonable charges therefor, with costs, by the same process by which it is hereinafter empowered to collect taxes, or by suit or motion; and whatever amount the occupant or tenant may have to pay therefor, for the said amount he shall have a valid and lawful offset against the rent due or to become due to his landlord.

48. Whenever any street or lane in said city shall have been opened to and used by the public for a period of five years, the council may declare the same a street, lane or alley for public purposes, and the council shall have the same jurisdiction over and rights and interests therein as it has over the streets, alleys and lanes laid out by it; and any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said city by a plan or plat or record which may be filed in the clerk's office of the corporation court of the city of Newport News, shall be deemed held to be dedicated to the public

use, unless it appears by said record that the said street or alley so reserved is designated for private use. But upon petition of a majority of the persons interested therein the council shall have the power to open the same for the use of the public, and a map thereof shall be filed with the city engineer in case the same is opened for the public.

49. Whenever any new street may be laid out, or when any street may be paved or graded, culverts or sewers built, or any public improvement whatsoever made, the council shall determine what portion, if any, of the cost thereof shall be paid out of the treasury, and what portion, if any, not exceeding fifty per centum of the cost thereof, shall be paid by the owners of the real estate benefited thereby; and for whatever amount the council shall decide shall be paid by the owners of the real estate bounding and abutting on said streets, or benefited by any such improvement, an assessment shall be levied by the council by the front foot bounding and abutting or benefited as aforesaid; or where such manner of assessment is not just and equitable to the public or the lot owners, then the council may prescribe some other just and equitable method of assessment; and the council shall prescribe the time and manner in which the said assessment shall be payable, and when levied it shall be a lien on the property against which it is assessed from the date of such assessment; but no such assessment on abutting property shall be made until a plan of such improvement shall have been made by the city engineer, with an estimate of the cost and the amount to be paid by each abutting owner, such plan and estimate to be filed in the clerk's office of the common council and a hearing given to said abutting owners before said council or committee thereof, after notice; provided that in the construction of proposed sidewalks or repairs to the same, the council shall first require the abutting owners to construct said improvements according to plans and specifications adopted by the council, in which case notice in writing shall be served upon abutting owners to make said improvements or repairs as aforesaid within a reasonable time; and in case any of them fail to comply with the terms of said notice, then the council shall proceed to construct said sidewalks or make said repairs, and levy an assessment against the abutting property for the actual cost thereof; and said assessment shall be a lien upon the abutting property, as other assessments levied under provisions of this section. But no owner of abutting property, located in wards numbers three, six and seven, shall be required to pave the sidewalks adjacent to his property until the streets along said property shall have been by the city opened, graded, guttered and curbed, including the sidewalks; and where any property in the city corners on two streets the property owner shall pave the sidewalks along his depth one-half the distance at his cost, and the city shall pave the other half at its cost.

50. The council may, by ordinance, make such regulations, not inconsistent with law, as it may deem expedient in relation to the erection of buildings, or the alteration of the same; and may regulate the building, construction, management, and inspection of elevators, hoistways, elevator-shafts, and plumbing, steam, gas, and electric fitting of buildings in said city.

51. The council may, by ordinance, make such regulations in relation to the construction of all wagons, carts, carriages, trucks, sleighs, sleds, and other vehicles, or any part thereof, and their loads, passing over highways and public places of said city, as it may deem necessary for the public good.

52. The council shall enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, and amusements.

53. In the building of any sewers through the streets or alleys of said city, the council shall have the authority to contract with the adjacent property-owners for the temporary use of the adjacent property, and pay adequate compensation therefor; and in case the compensation cannot be agreed upon, the temporary use of such property may be had by proceedings similar to those employed in the condemnation of the freehold under the general laws of the state.

54. The council shall have authority to make such ordinances, by-laws, rules, regulations, and resolutions, not inconsistent with the laws of the state or the provisions of this act, as may be expedient, in addition to the special powers herein granted, for maintaining the the good government and welfare of the city and its trade, commerce, and manufactures, and to enforce by ordinance and to inflict penalties for a violation thereof not exceeding one hundred dollars.

55. Every ordinance or resolution partaking of the nature of an ordinance which shall have been passed by the council shall, before it becomes a law, be presented to the mayor; if he approve, he shall sign it and return the same to the city clerk. In case of his disapproval, he shall return the same to the council, with his reasons therefor in writing, and the council shall have the right to pass such ordinance or resolution over his veto by a vote of two-thirds of the members of the council. In case the mayor fails to either approve or disapprove an ordinance, or to return the same to the clerk within ten days after it has been presented to him, it shall become a law.

56. Mayor.—It shall be the duty of the mayor to enforce the laws and ordinances of the city and all orders and resolutions of the council. He shall see that the duties of the various officers are faithfully performed. He shall have the power to investigate their acts, and have access to all books and documents in their offices, and may examine them and their subordinates on oath. He shall also have power to remove or suspend any municipal officer, whether elected or appointed, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be on heard in his defence.

57. In case of the absence or inability of the mayor, the president of the council, or, in his absence or inability, some other member designated by the council, shall act as mayor, and shall possess the same powers and discharge the same duties as are possessed and discharged by the mayor during such absence or inability.

58. It shall be his duty to communicate to the council at the end of each fiscal month a general statement of the condition of the city in relation to its government, finances and improvements, with such recommendations as he may deem proper.

59. In case a vacancy shall occur in the office of mayor the president of the council shall fill the vacancy for the unexpired term, and the vacancy thus caused in the council shall be filled according to law.

60. The mayor of said city shall be removed upon information or presentment by the hustings court for the city of Newport News upon proof of malfeasance or misfeasance in office.

61. The mayor shall receive such salary as shall be fixed by the said council, not exceeding six hundred dollars per annum, and he shall receive no other compensation or emoluments whatever; and his salary shall not be diminished during his term of office.

62. The police department of the city of Newport News shall be under the general control and management of the police commissioners, who shall consist of three discreet citizens, qualified voters, who shall be appointed by the mayor and confirmed by the council as soon as may be after the passage of this act, who shall constitute a board of police commissioners for said city. Any two of said commissioners shall constitute a quorum for the transaction of business. One of the said commissioners shall serve until July first, eighteen hundred and ninety-six; one until July first, eighteen hundred and ninety-seven, and one until July first, eighteen hundred and ninety-eight; and upon the expiration of each of these terms the said mayor shall appoint their successors for terms of three years each, which appointments shall be confirmed by the council. Said board may adopt a uniform for the police, and may also establish, promulgate and enforce proper rules, regulations and orders for the government and discipline of said police force; and the said board shall have the power to compel the production of papers and the attendance of witnesses by the issue of the proper process therefor: provided that such rules, regulations and orders shall not in any way conflict with any ordinance of the city council or any of the provisions of this act or the constitution and laws of this state or of the United States; nor shall the said board make any expenditure or incur any expense without consent of the city council. As soon as the said commissioners shall have entered upon the discharge of their duties, and appointments of chief of police and such other officers and policemen as are authorized by the ordinance of the city or resolutions of the city council are made, and the said chief of police and officers and policemen so appointed shall have qualified as aforesaid, then all the policemen who shall be in service previous thereto, as well as the chief of police, and such other officers of the police as there may be, shall immediately vacate their respective offices, unless re-appointed as hereinbefore provided. For the purpose of enabling it to execute its duties and powers, each member of the police force is hereby made and constituted a conservator of the peace, and endowed with all the powers of a constable in criminal cases, and all other powers which, under the laws of the city, may be necessary to enable him to discharge the duties of his office. The pay of all policemen shall be prescribed by the council; said commissioners shall serve without compensation.

63. Police justice.—The police justice shall possess all the juris-

diction and exercise all the power and authority in criminal cases of a justice of the peace for said city; but he shall receive no fees for services as such police justice. He shall also try all violations of the city ordinances and inflict such punishment as may be prescribed for a violation of the same. He shall keep his office and court at the place prescribed by the council daily, except Sundays, and if from any cause he shall be unable to act the mayor shall appoint one of the justices of the peace of said city to discharge the duties of the police justice prescribed herein, during such inability, and who shall be paid for such service by the police justice at the same rate per diem as such police justice receives. From any decision of the police justice affecting the legality or validity of any ordinance passed by the council the city shall have the right to an appeal to the hustings court of said city.

64. The police justice shall keep a regular account of all fines, forfeitures and costs imposed or arising in the administration of his office, which he shall report weekly to the auditor. The chief of police shall collect such fines, forfeitures and costs, and report the same weekly to the auditor, and pay the same weekly to the treasurer.

65. The police justice shall receive such salary as shall be fixed by the council, not exceeding one thousand dollars per annum, and he shall receive no other compensation or emoluments whatever and his salary shall not be diminished during his term of office.

66. Treasurer.—The city treasurer shall receive all the money belonging to the city, and shall keep his books and accounts in such manner as the council may prescribe, and such books and accounts shall be subjected to the inspection of the mayor or any committee of the council authorized to examine the same.

67. No money shall be paid out except upon warrants of the auditor. All money to be paid out to the treasurer of the city, except taxes and other assessments, as the council may ordain, shall be paid by the person liable to pay the same, or his agent, to the treasurer in the following manner: A warrant shall first be obtained from the auditor, directed to the treasurer to receive the sum paid, specifying on what account the payment is made. Upon payment of the money to the treasurer he shall give a receipt for the same in duplicate, which receipt shall be carried to the auditor, who shall endorse on the original receipt the fact that a duplicate thereof has been filed in his office, and deliver the same to the person entitled thereto, and shall file the duplicate in his office; and no payment made to the treasurer, unless this requirement is complied with, shall be an acquittance of any claim on the part of the city.

68. The treasurer shall also report to the city auditor at the end of each fiscal year, and more frequently if required, a full and detailed account of all receipts and expenditures during the fiscal year in the city treasury. He shall keep a register of all warrants of every sort, the number, and the person to whom paid, specifying also the time of payment; and all such warrants shall be examined by the committee of finance, who shall examine and compare the same with the books of the auditor at the end of each fiscal year, and report its findings to the council.

69. The treasurer shall collect and receive all taxes and assessments which may be levied by the said city, and perform such other duties as may hereafter be prescribed and ordained by the council.

70. The treasurer shall be required to keep all money in his possession belonging to the city upon deposit in some safe banking institution in the city of Newport News, and such moneys shall be deposited to his credit as treasurer of the city of Newport News; and he is hereby expressly prohibited from using, directly or indirectly, the corporation money or warrants in his custody or keeping for his own benefit or use, or that of any person or persons whomsoever; and any violation of this provision shall be deemed a malfeasance in office, for which he may be removed by proceedings instituted in the hustings court for said city. In case of his removal the judge of the hustings court shall appoint a qualified person to fill said office until the next general election which may be held in the city, when the qualified voters of said city shall fill the vacancy by the election of his successor, who shall hold office for the remainder, if any, of the unexpired term of the officer removed.

71. The treasurer shall receive such compensation as is provided by law in the case of city treasurer for receiving and disbursing the revenue, city and school levies, and other funds.

72. Auditor.—The auditor shall superintend the fiscal concerns of the city; shall manage the same in the manner required by this act and the ordinance and resolutions of the council.

73. He shall keep a regular set of books, in which shall be opened and kept as many accounts, under appropriate titles, as may be necessary to show distinctly all the estate and property whatsoever, real and personal, vested in the city by law or otherwise, and of trusts in the care of the same; all funds due and owing by the city, all receipts and expenditures in the various departments of the city, and all appropriations made by the council, and the sums expected under the same, respectively.

74. He shall, from time to time and as often as he may deem necessary, or the council shall direct, suggest plans to the council for the management and improvement of the city finances.

75. He shall have the supervision and control of the fiscal concerns of all departments and officers of the city, who shall collect, receive, and disburse the public moneys, or who are charged with the management or custody thereof, and may at any time require from any of them, in writing, an account of any and all moneys or property of the city in their hands or under their control; and he shall immediately, upon the discovery of any default, irregularity, or delinquency, report the same to the council.

76. He shall sign all warrants on the city treasurer, and shall not suffer any appropriation made by the council to be overdrawn. In every case where an appropriation shall be exhausted, and the object of which is not completed, he shall immediately report to the council, and give such a report, with a statement of the moneys which have been drawn on such appropriation, and the particular purposes for which they were drawn. Whenever an account against the city shall be presented to him for payment, the person presenting the

same shall, if the auditor require, produce evidence, first, that the amount expressed in the account is due to the person in whose favor it is made; second, that the supplies or services, for payment on which the the account is made, have been furnished or performed; third, he shall have authority to administer oaths or affirmations in verification of demands for his signature, but he shall not be entitled to receive any fee therefor. The council, however, may require, before any warrant is issued by the auditor, that the account be submitted to the council.

77. He shall make a report, verified by oath or affirmation, to the council, at the end of each fiscal month, of the public accounts of said city, and of the trusts in its care, exhibiting all of the expenditures of the city, the sources from which the revenue and funds are derived, and in what manner the same have been disbursed, each account to be accompanied by statement in detail, in separate columns, of the several appropriations made by the council, and the amount drawn on each appropriation, and the amount standing to the debit or credit of the same.

78. There shall be kept in the auditor's office a lien docket, in which, in proper columns, shall be entered all claims for curbing, paving, sidewalks, assessments for damages, and all contributions for opening of public streets, lanes and alleys, or parts thereof; for paving, grading and macadamizing the same; for sewerage and for any other public improvements, which docket shall at all times be opened to the inspection of the public; and after said lien shall have been docketed all persons shall be affected with notice.

79. The auditor shall receive such salary as shall be prescribed by the council, not exceeding one thousand dollars per annum, and the same shall not be diminished during his term of office. He shall give bond in a sum of not less than ten thousand dollars in some guarantee company approved by the council.

80. City clerk.—There shall be one city clerk, who shall be elected by the council, who shall hold office for two years, and until his successor be elected and qualified, unless sooner removed from office by the council. He shall receive such salary as shall be fixed by the said council, not exceeding six hundred dollars per annum.

81. The said clerk shall attend the meetings of the council and keep a record of its proceedings, and he shall be the clerk of all the committees thereof; he shall have the custody of the corporate seal and of all official bonds taken by order of the council or under requirements of law; he shall keep all the papers that by the provisions of this act, or the direction of the council, are required to be filed with or kept by him.

82. It shall be his duty, immediately after the close of each session of the council, to make and present to the mayor a transcript of every ordinance, resolution or order and act of legislative character concerning any public improvement, or for the payment of money, and of every ordinance, resolution, order or act of legislative character passed at such session. He shall in like manner transmit to the auditor a transcript of all ordinances or resolutions appropriating money or authorizing the payment of money, the issue

of bonds or notes. He shall in like manner give notice to all persons presenting petitions or communications to the council of the final action of the council on such petition or communication. He shall publish such reports and ordinances as the council is required by this act to publish, and such other reports and ordinances as it may direct, and shall in general perform such other acts and duties as the council may from time to time require of him.

83. Clerk of the hustings court.—There shall be one clerk of the hustings court for said city, who shall serve for a period of six years, and until his successor be elected and qualified. He shall receive in compensation for his services the fees and emoluments allowed by law to clerks, and such allowances as the council may from time to time deem just and proper, not exceeding six hundred dollars per annum.

84. Commonwealth's attorney.—There shall be one commonwealth's attorney, who shall prosecute in all criminal cases in the hustings court of said city. He shall hold office for a term of two years, and until his successor be elected and qualified, unless sooner removed, and shall receive for his services such compensation as may be prescribed by law, and such additional compensation as the council may from time to time provide, not exceeding three hundred dollars per annum.

85. Commissioner of revenue.—There shall be one commissioner of revenue, who shall hold office for a period of four years, and until his successor be elected and qualified, unless sooner removed from office. He shall give bond, with sureties, in such amount as the council may determine, said bond to be approved by the council and entered on its journal and filed in the office of the city clerk. In case a vacancy shall occur in the office of commissioner of revenue the council shall elect a qualified person to fill said office until the next general election which may be held in the city, when the vacancy shall be filled by the qualified voters for the unexpired term.

86. The said commissioner of revenue shall perform all the duties in relation to the assessment of property for the purpose of levying the city taxes that may be ordered by the council. He shall keep his office in some convenient place in said city, and shall keep therein such books, schedules and records, and in such manner as the council may prescribe, or as required by the state law, which books, records and other papers shall be subject to the inspection of and examination of the mayor, the members of the council, or any committee thereof, and of the city treasurer.

87. To aid the commissioner of revenue in his duties, the clerk of the hustings court for said city, as required, shall deliver to him such lists as are mentioned in section four hundred and thirty-nine of the code of Virginia, eighteen hundred and eighty-seven, as far as may relate to lands in said city.

88. The commissioner of revenue shall receive for his services the fees allowed by law, and such other compensation as the council may from time to time direct, not exceeding three hundred dollars per annum.

89. City sergeant.—There shall be one city sergeant, who shall attend the term of the court of hustings for said city, and act as the officer thereof, and shall perform such other duties as may be prescribed by law and ordained by the council, and shall receive such compensation therefor as the council may determine, not exceeding three hundred dollars per annum; but, in addition to any salary he shall receive, he shall be entitled to the same fees as those of a sheriff for performing similar services.

90. The sergeant may, with the approval of the court of the hustings for said city, appoint a deputy or deputies, who may be removed from office by the said sergeant, by the mayor, or by the hustings court. During the continuance in office of the said sergeant, his deputy or deputies may discharge any of the duties of the office of sergeant, but the sergeant and his sureties shall be liable therefor. The sergeant's bond shall not be less than four thousand dollars.

91. Constable.—There shall be elected one constable for the city, who shall hold his office for a term of two years, and until his successor be elected and qualified, unless sooner removed from office. Said constable shall keep his office in such convenient place in the city as may be designated by the council, and shall receive such compensation for his services as is allowed by law. He shall in all civil cases have the same powers and duties and be subject to the same penalties as are prescribed by law for other constables, and shall perform such other duties as the council may ordain, or may be prescribed by the laws of the state. The constable may appoint one or more deputies, who shall perform the same duties as the constable, and for whose acts the constable shall be liable.

92. Justice of the peace.—There shall be one justice of the peace for each ward of said city, who shall be a resident of his respective ward, and who shall hold office for the term of two years, and until their successors be elected and qualified, unless sooner removed from office. The said justices of the peace shall be conservators of the peace within the limits of the corporation of Newport News, and one mile beyond, and shall have the same powers and duties within said limits, and receive for their services such fees as are prescribed by law in respect to justices of the peace in the counties of this state in their respective counties.

93. Clerk of the markets.—The clerk of the markets shall perform such duties and receive such compensations as may be prescribed by the council, not exceeding six hundred dollars per annum. All moneys received by him shall be reported weekly to the auditor and paid to the treasurer.

94. All law matters to which the city may be a party, or in anywise interested, shall be under the supervision, direction and control of the commonwealth's attorney, subject to the direction of the council. He shall prepare all bonds, obligations, contracts, leases, covenants, assurances, and other documents which may be required of him by any ordinance or order of the council or the general laws of the city; commence and prosecute all and every suit or suits, action or actions, brought by the city for or on account of the estate, rights, trusts, privileges, claims or demands of the same, and defend

all actions or suits brought against the city or any officer thereof before any court of this commonwealth, and shall do all and every professional act incident to the office which may be required of him by the mayor, the council, or any committee thereof.

95. He shall, when required, furnish the council, committees thereof, the head of any department, or the mayor, with his written opinion on any subject which may be submitted by them to him.

96. He shall at least once in each month make a report to the city auditor of all moneys received by him by virtue of his office, and immediately pay the same to the city treasurer.

97. The commonwealth's attorney for his services shall receive such salary as shall be fixed by the council at the beginning of each fiscal year, and no other compensation; and all fees received by him in his official capacity shall be paid to the city treasurer monthly, as hereinbefore provided; such salary, as allowed by the council, not exceeding the sum of four hundred dollars per annum.

98. City engineer.—The city engineer shall make field notes of all work performed by him for the city and for private individuals within the city limits, and the same shall be kept in his office for reference and turned over to his successor.

99. It shall be the duty of the city engineer of the city to survey the streets, alleys, lanes and highways, furnish regulations for buildings, and make all necessary plans, drafts or maps which may be required for the use of the city highways, paving, surveying or building. All instruments, paper and other materials necessary for the equipment and supply of his office shall be furnished by the city, and all maps, drafts or plans made by the city engineer for the purpose aforesaid and intended for preservation, shall be executed on sheets of good draft paper, and shall, as far as practicable, be all of a uniform size, and the same shall be the property of the city, and be bound in book form and be kept among the archives of the city for the use of the council and the various officers of the city government and the inspection of the citizens; and he shall do and perform any other service that may be required of him by resolution or ordinance of the council.

100. The salary of the city engineer shall be fixed by the council, not exceeding the sum of six hundred dollars per annum, and all fees received by him in official capacity shall be paid over to the city treasurer monthly in the same manner as is required for paying in other moneys.

101. The council may, by a three-fourths vote of all its members, in the name and for the use of the said city, cause to be issued certificate of debts or bonds (the form of which shall be prescribed by the council) not exceeding in the aggregate the amount of one hundred thousand dollars, and bearing a rate of interest not exceeding six per centum per annum, and payable, in the discretion of the council, in not less than ten nor more than thirty years from their date, for the purpose of paying any necessary deficit in the administration of the government of said city during the first year of its operation under this charter, and of making any manner of public improvements; provided that no such certificates of debt or bonds to the

amount of ninety thousand dollars shall be issued or be valid unless and until the action or ordinance of the council thereon shall have been first submitted to a vote of the legal voters of said city and ratified and approved by a two-thirds' majority of the legal voters of said city, cast at an election to be held for the purpose of voting on the issue thereof, and unless and until it shall also appear that a three-fifth's majority of the registered freehold voters of the said city have voted at the said election in favor of the issue of said certificates of debt or bonds. Said election shall not be held until notice of the time, place and object thereof shall have been first given by a publication for at least thirty days in the daily newspapers published in the said city, and by posting the same for at least thirty days prior to said election on the front door of the court-house of said city; or if there be no daily newspaper published in the said city, at the time said election is ordered, the council may determine the manner of giving such notice. The said election shall be ordered by the said council, shall be by viva voce vote, and none but registered voters, otherwise legally qualified to vote under the laws of Virginia, shall be permitted to vote at said election. And the said council shall not create or incur any other indebtedness which has not been provided for in the annual levy.

102. And whenever the treasurer of the city shall have to the credit of the fund for the redemption of said bonds the sum of five thousand dollars he shall advertise for proposals for redeeming the same amount of said bonds at least ten days, and redeem the said amount on the most favorable terms offered; provided the proposals are approved by the city council.

103. All contracts for the erection and construction of public improvements shall be let to the lowest responsible bidder, but the council, in its discretion, may reject any or all bids, and notice shall be given thirty days before the work is finally let by advertisement in one or more newspapers, and the party to whom said contract shall be let shall give such bond as the council may require; but in no event shall any contract be let to any member of the council or other officer of the city government, nor shall any member have any interest in said contract; provided, however, that the council may have such work done and public improvements made under its immediate direction in any case involving expenditures of sums not exceeding two hundred dollars, and may employ such superintendents, mechanics, laborers and teams, and purchase such material as may be necessary therefor.

104. For the execution of its powers and duties, the council may raise taxes annually by assessments in said city on all subjects taxable by the state, such sums of money as it shall deem necessary to defray the expenses of the same, and in such manner as it shall deem expedient (in accordance with the laws of this state and of the United States); provided that no municipal levy upon real and personal property in said city shall exceed eighty cents upon the one hundred dollars assessed value thereof; and provided, further, that all levies upon real estate shall be upon the assessed value thereof for the purposes of state taxation.

105. The council may levy a tax upon the following licenses, viz: The sale of ardent spirits, theatrical and circus companies, menageries, jugglers, itinerant peddlers, and all other shows and exhibitions for which an entrance fee is required; commission merchants, bankrupt and fire sales of general merchandise, persons selling by sample, brokers and pawnbrokers, and upon all other businesses and pursuits upon which a license tax is levied by the state and such other businesses as may be lawful.

106. The council may grant or refuse licenses to owners or keepers of wagons, drays, carts, hacks and other wheeled carriages kept or employed in the city for hire, and may require the owners thereof using them in the city to take out a license therefor, and may assess a value and require taxes to be paid thereon, and subject same to such regulations as it may deem proper, and may regulate their charges.

107. All goods and chattels, wheresoever found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust or mortgage on goods and chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed.

108. There shall be a lien on real estate for the city taxes as assessed thereon from the commencement of the year for which they are assessed. The council may require real estate in the city delinquent for non-payment of taxes to be sold for said taxes, with interest thereon at the rate of six per centum per annum. Such real estate shall be sold and may be redeemed in the manner provided by law.

109. The city council shall have power to ordain and enforce such rules and regulations as shall be necessary and proper to prevent accidents by fire within said city or to secure the inhabitants thereof and their property from injury thereby, and to provide for the organization, equipment and government of fire companies in said city, and to purchase and keep in order hand and steam fire engines and other necessary fire apparatus; also to appoint and pay the necessary engineers, firemen and drivers for said engines. They may also make such ordinances as may be necessary to compel citizens to render assistance to the fire companies in case of need. They may also appoint a chief engineer, prescribe his duty, and fix his compensation.

110. Whenever any building in the said city shall be on fire, it shall be the duty of and be lawful for the said engineer to order and direct such building or any other buildings, which he may deem hazardous and likely to communicate fire to other buildings, or any part of such buildings, to be pulled down and destroyed and no action shall be maintained against any person or against the city therefor. But any person interested in such building so destroyed or injured may, within three months thereafter, apply to the city council to assess and pay the damages he has sustained. At the expiration of the three months, if any such application shall have been made in writing, the city council shall either pay the claimant such sum as shall be agreed upon by the council, and the said claim-

ant for such damage, or if such agreement shall not be effected shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection and payment of the same in the same manner as is provided for the ascertainment, assessment, collection and payment of damages sustained by the taking of land for the purpose of public improvement.

111. The commissioners appointed to appraise and assess the damages incurred by the said claimant by the pulling down or the destruction of such building, or any part thereof, by the direction of the said officer of the city as above provided, shall take into account the probability of the same having been destroyed, and may report that no damages should equitably be allowed to such claimant. Whenever a report shall be made and finally confirmed in said proceedings for appraising and assessing the damages, a compliance with the terms thereof by the city council shall be deemed a full satisfaction of all said damage of the claimant. But any party feeling aggrieved thereby may appeal to the circuit court for the city of Newport News, which court, in taking jurisdiction thereof, shall be governed by the laws regulating the assessment of damages to real estate in other cases.

112. All bonds, contracts, deeds and other papers shall be executed by the mayor, under the direction of the council, and the seal of the corporation shall be affixed and attested by the city clerk.

113. The said council shall, by ordinance, provide for any irregular election not herein provided for, and may appoint the necessary officers to conduct the same.

114. The terms of officers appointed by the first council herein named shall expire on the thirty-first day of July, in the year one thousand eight hundred and ninety-six.

115. The city of Newport News, its real and personal property and other subjects of taxation, and its inhabitants, shall be exempt from all assessments and levies in the way of taxes imposed by the authorities of Warwick county for any purpose whatever, except upon property owned in the said county by the inhabitants of said city, from and after the first day of January, eighteen hundred and ninety-six, nor shall said inhabitants be liable to serve upon juries or work upon roads in said county, except in such cases as are provided for by the laws of the state.

116. Nothing in this act shall be construed to authorize the interference by the council of said city with the existing use of the avenues, streets, alleys and lanes of the said city, with its tracks, pipes, poles and other appurtenances of any railroad, street railway, gas, electric light, telegraph, telephone, or other incorporated company, but such use is hereby confirmed, subject to such reasonable regulations as the council may from time to time prescribe; provided that nothing in this section shall be held to authorize the unreasonable blocking or obstructing of any public highway.

117. In addition to the rights, powers and privileges herein granted, the said city of Newport News shall have and enjoy all the rights, powers and privileges conferred, and to be subject to all the restrictions imposed by the laws of Virginia for the government of incorporated

cities so far as applicable to said city and not inconsistent with the provisions of this act.

118. All acts and parts of acts in conflict herewith shall be, and are hereby, repealed.

119. This act shall be in force from its passage.

CHAP. 65.—An ACT to amend and re-enact an act approved March 6, 1886, entitled "An act to authorize the judge of the county court of Warwick to appoint a quarantine officer at Newport News," by placing the appointing power with the governor, and defining the duties of said officer, and adding thereto sections 2, 3, 4, 5, 6, 7, and 8.

Approved January 16, 1896.

1. Be it enacted by the general assembly of Virginia, That the act approved March sixth, eighteen hundred and eighty-six, entitled "an act to authorize the judge of the county court of Warwick to appoint a quarantine officer at Newport News," be amended and re-enacted so as to read as follows, and that sections two, three, four, five, six, seven, and eight be enacted and added thereto as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the governor of Virginia be, and he is hereby, authorized to establish quarantine at the port of Newport News, and to appoint a quarantine officer, and to regulate his fees; to make such health arrangements and sanitary regulations at the port of Newport News as in his judgment may be necessary to prevent the introduction and spread of any infectious or contagious disease.

§ 2. The quarantine officer to be appointed under this act shall be a practicing physician, having his residence in the city of Newport News. His term of office shall be two years, the first term to begin on the first day of May, one thousand eight hundred and ninety-seven, and he shall be appointed during the month of March prior to the succeeding term.

§ 3. Said quarantine officer shall be subject to removal for cause, and any vacancy in said office shall be filled for the unexpired term by appointment made by governor.

§ 4. The said quarantine officer shall appoint an assistant, who shall be a practicing physician and a resident of Newport News, and who may be removed at pleasure.

§ 5. The fees to be fixed by the governor shall be the same as the fees fixed by law for Norfolk for quarantine, and no expense under this act shall be imposed on the city of Newport News or any port of this commonwealth.

§ 6. The quarantine officer at Newport News now holding this office at the time of the introduction of this bill, shall continue in office until his successor shall be appointed by the governor and enter upon the discharge of his duties.

§ 7. All acts or parts of acts in conflict with this bill are hereby repealed.

§ 8. This act shall be in force from its passage.

CHAP. 66.—An ACT to amend and re-enact section 100, chapter 244 of the acts of assembly, session of 1889-'90, approved March 6, 1890, entitled an act to provide for the assessment of taxes on persons and property, &c.

Approved January 16, 1896.

1. Be it enacted by the general assembly of Virginia, That section one hundred, chapter two hundred and forty-four, of the acts of assembly, session of eighteen hundred and eighty-nine and eighteen hundred and ninety, be amended and re-enacted so as to read as follows :

§ 100. Every person who shall act as agent for the renting of houses in cities of over five thousand inhabitants shall pay the sum of thirty dollars, and in towns of less than five thousand inhabitants ten dollars for the privilege of transacting such business.

2. This act shall be in force from its passage.

CHAP. 67.—An ACT to authorize the treasurer of the county of Hanover to return to citizens of said county the amount paid by each respectively on account of the dog tax levied by the board of supervisors under act approved 5th of March, 1894.

Approved January 16, 1896.

Whereas the board of supervisors of the county of Hanover, acting under authority of the act entitled an act authorizing the board of supervisors of each county in the state to levy a tax on dogs, and to enforce the collection of said tax with certain penalties in case of failure to pay the same, approved March fifth, eighteen hundred and ninety-four, did levy the tax therein referred to in Hanover county ; and whereas said tax was forthwith repealed, but pending the time said levy was in force, certain collections of said tax were made by the treasurer of said county of Hanover from certain of the citizens of said county, which said collections amounted in the aggregate to about fifty dollars ; and

Whereas it is an undue hardship upon the said citizens who paid said levy, and they are fairly entitled to have the amount paid by each, respectively, refunded ; and

Whereas the said treasurer has made no settlement in respect thereto with the said board of supervisors of the said county of Hanover, but the same is being held by the said treasurer, with the permission of the said board, awaiting the result of the application to the general assembly of Virginia for relief in the premises : therefore,

1. Be it enacted by the general assembly of Virginia, That the treasurer of the county of Hanover be, and he is hereby, authorized to return to the citizens of said county the amount paid by each, respectively, for and on account of the dog tax so levied as aforesaid by said board of supervisors.

2. This act shall be in force from its passage.

CHAP. 68.—An ACT to amend and re-enact section 7 of an act entitled an act to incorporate the Virginia state agricultural and mechanical society, approved February 8, 1888.

Approved January 16, 1896.

1. Be it enacted by the general assembly of Virginia, That section seven of an act entitled an act to incorporate the Virginia state agricultural and mechanical society, approved February eighth, eighteen hundred and eighty-eight, be amended and re-enacted so that the said section shall hereafter be as follows :

§ 7. The society shall provide a seal, and it may sue and be sued as any other corporative body, and may obtain loans and pledge its property, by deed or otherwise, as security therefor, when authorized by a majority vote of a general meeting of the society on the recommendation of the executive committee, or the said society may in like manner issue its bonds to any amount not exceeding *sixty* thousand dollars, the principal payable at a date not exceeding twenty years, the interest not exceeding six per centum per annum, payable semi-annually, and the said bonds shall, from the date of their issue, upon being entered upon the lien docket of the hustings court of the city of Richmond, operate as a lien on the real estate of said society.

2. This act shall be in force from its passage.

CHAP. 69.—An ACT for the relief of tax-payers of King William county, providing that the penalty of five per centum shall not be added till the first day of March, 1896.

Approved January 16, 1896.

Whereas the late commissioner of the revenue of King William county was arrested, tried and sentenced to serve a term in the state penitentiary before he had completed the property-books for the year eighteen hundred and ninety-five, and by reason of his failure to complete said books the tax bills against the tax-payers of said county were not made out for the said year eighteen hundred and ninety-five; and whereas the treasurer of said county was in default, and failed to advertise that he would be present at certain places in the magisterial districts of said county to receive the taxes on or before the first day of December, in the year eighteen hundred and ninety-five, as provided in section six hundred and three of the code of Virginia: therefore,

1. Be it enacted by the general assembly of Virginia, That the treasurer of the county of King William shall not add to the tax-bills of said county for the year eighteen hundred and ninety-five the penalty of *five per centum* as prescribed in section six hundred and three of the code of Virginia until the first day of March, eighteen hundred and ninety-six.

2. This act shall be in force from its passage.

CHAP. 70.—An ACT to amend and re-enact section four of an act entitled an act to incorporate Chatham female episcopal institute, approved February 24th, 1894, in relation to the manner in which the property of the said institute shall be used, held, conveyed and encumbered.

Approved January 16, 1896.

1. Be it enacted by the general assembly of Virginia, That section four of an act entitled an act to incorporate "Chatham female episcopal institute" be amended and re-enacted so as to read as follows:

The said corporation shall have power to acquire, by purchase, gift, devise or bequest, property real and personal, and the same from time to time to sell, convey, mortgage, encumber, charge, pledge, grant, lease, sub-lease, alien and dispose of; to receive endowments and create scholarships, upon such terms and conditions as it may deem proper, and holding, using, controlling, encumbering and disposing of said property for the sole use and benefit of the Chatham female episcopal institute.

2. But the said school shall not at any time acquire and hold real and personal estate exceeding in value the sum of fifty thousand dollars.

3. This act shall be in force from its passage.

CHAP. 71.—An ACT to prohibit the running at large of horses, cattle, and other stock upon the public roads in parts of Blue Grass district, in the county of Highland.

Approved January 17, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for horses, colts, cattle, sheep or hogs to run at large upon the public roads in any part of Blue Grass district, in the county of Highland, as to which the provisions of section two thousand and forty-eight of the code of Virginia have been adopted by the board of supervisors of said county, and the owner or owners of such animals, who shall intentionally permit such animals to run at large as aforesaid, shall be guilty of a misdemeanor, and, upon conviction thereof before a justice of the peace, shall be fined not less than one nor more than five dollars for each offense.

2. This act shall take effect from and after the first day of May, eighteen hundred and ninety-six.

CHAP. 72.—An ACT to authorize the board of supervisors of the county of Isle of Wight to borrow money for the purchase of metallic furniture for the clerk's office of said county.

Approved January 17, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Isle of Wight, be, and they are hereby, empowered to borrow a sum of money, not exceeding one thousand dollars, for the purchase of metallic furniture for the clerk's office of the said county, and to issue the bonds of the said county for the loan thereof.

Said bonds to be either registered or coupon, in denominations of one hundred dollars each or multiples thereof.

The said bonds shall be in such form as the said board shall prescribe; shall be signed by the chairman thereof, and countersigned by the clerk of said board, sealed with its seal; shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually, and shall be payable not exceeding five years after date, redeemable at such time or times as the said board may prescribe; but no bonds issued under this act shall be sold at less than par.

2. The said board of supervisors shall annually include in the levy upon the property and lawful subjects of taxation in said county, as a part of the county levy, a sum and tax sufficient to pay the annual interest on said bonds, and, in such manner as they deem best, create a sinking fund sufficient to pay the said bonds, at or before maturity.

3. This act shall be in force from its passage.

CHAP. 73.—An ACT to amend and re-enact section 11 of an act of general assembly, approved January 24, 1894, entitled an act to incorporate the Richmond, Gayton and southside railroad company, approved January 26, 1892.

Approved January 17, 1896.

1. Be it enacted by the general assembly of Virginia, That section eleven of an act approved January the twenty-sixth, eighteen hundred and ninety-two, entitled an act to incorporate the Richmond, Gayton and southside railroad company, as amended and re-enacted by an act approved January twenty-four, eighteen hundred and ninety-four, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 11. That the Richmond, Gayton and southside railroad company shall be, and is hereby, required to commence the work of construction of its railroad within two years and complete the same within five years from the passage of this act,

2. This act shall be in force from its passage.

CHAP. 74.—An ACT to amend and re-enact section 1145 of the code of Virginia, as amended and re-enacted by an act entitled “An act to amend and re-enact section 1145 of the code of Virginia as to how certain charters of incorporation granted, altered, or amended by circuit or corporation courts, and where to be recorded; validating all charters to build and operate railroads heretofore granted by a circuit or corporation court, but forbidding said courts to grant such charters in the future,” approved February 20, 1892, so as to forbid courts and judges to grant charters of incorporation to fire insurance companies or life insurance companies.

Approved January 17, 1896.

1. Be it enacted by the general assembly of Virginia, That section one thousand one hundred and forty-five of the code of Virginia, as amended and re-enacted by an act entitled “an act to amend and re-enact section one thousand one hundred and forty-five of the code of Virginia as to how certain charters of incorporation granted, altered, or amended by circuit or corporation courts, and where to be recorded; validating all charters to build and operate street railroads heretofore granted by a circuit or corporation court, but forbidding said courts to grant such charters in the future,” approved February twentieth, eighteen hundred and ninety-two, “so as to forbid courts and judges to grant charters of incorporation to fire insurance companies or life insurance” companies, be amended and re-enacted so as to read as follows:

§ 1145. How certain charters of incorporation granted, altered, or amended by circuit or corporation courts, and where to be recorded; validating all charters to build and operate street railroads heretofore granted by a circuit or corporation court, but forbidding said courts to grant such charters in the future.—Any five or more persons who shall desire to form a joint stock company for the conduct of any enterprise or business, which may be lawfully conducted by an individual or by a body politic or corporate, except to construct a turnpike, to be constructed beyond the limits of the county, or a railroad, or canal, or to establish a bank of circulation, or a fire insurance company, or life insurance company, may make, sign, and acknowledge before any justice or notary, or county or corporation judge, or clerk of a county, corporation, or circuit court, a certificate in writing, setting forth the name of the company, the purposes for which it is formed, the capital stock and its division into shares, the amount of real estate proposed to be held by it, the place at which its principal office is to be kept, the chief business to be transacted, and the names and residences of the officers who for the first year are to manage the affairs of the company. This certificate may be presented to the circuit court of the county, or the circuit or corporation court of the corporation, wherein the principal office of the company is to be located, or to the judge thereof in vacation. The said court, or judge in vacation, shall have discretion to grant or refuse to said persons a charter of incorporation upon the terms set forth in the said certificate, or grant it upon such other terms as may be adjudged reasonable. If the charter be granted it shall be recorded by the clerk of the said court

in a book to be provided and kept for the purpose, and shall be certified by him to the secretary of the Commonwealth, to be in like manner recorded in his office. Any charter heretofore or hereafter granted to a company under the provisions of this section by a court, or judge thereof in vacation, may be altered or amended, or the corporate name of the company be changed by the said court, or the judge in vacation, on the application of the company authorized by a majority of the stockholders in general meeting. And any charter heretofore or hereafter granted by the general assembly which, under the provisions of this section, might have been granted by a court or judge may in like manner and on like application be altered or amended, or the corporate name of the company changed by the circuit court of the county or circuit, or corporation court of the corporation wherein the principal office of the company is, or by the judge of such court in vacation; such alteration or amendment or change shall be recorded by said clerk and in the office of the secretary of the commonwealth, as hereinbefore provided for recording charters, and shall be as effectual and legal from that time as if originally a part of said charter. Any charter heretofore granted by a circuit or corporation court to build and operate a street railroad shall be deemed valid to all intents and purposes; but said courts are hereby inhibited and forbidden to hereafter grant any charters to build and operate street railroads. But nothing contained in this section shall be held or construed as denying to any building fund association, which has heretofore been organized and incorporated under the act of May twenty-ninth, eighteen hundred and fifty-two, and amendatory acts, all the rights, powers, privileges, and franchises granted to and vested in such associations under said acts. And it shall not be lawful for the general assembly to grant relief, or to incorporate any company, or to alter or amend the charter of any corporation, provision for which is made in this section, unless application shall have been first made to some circuit or corporation court, or the judge thereof in vacation, and refused; provided that nothing in this act shall be construed to authorize the condemnation of lands by any street railroad company chartered by the courts.

2. This act shall be in force from its passage.

CHAP. 75.—An ACT to amend and re-enact section 4059 of the code of Virginia, with respect to appeals in civil and criminal cases.

Approved January 17, 1896.

1. Be it enacted by the general assembly of Virginia, That section four thousand and fifty-nine of the code of Virginia, be amended and re-enacted so as to read as follows:

§ 4059. Provisions which apply to criminal as well as civil cases.—Sections thirty-four hundred and seventy-five, thirty-four hundred

and seventy six, thirty-four hundred and eighty-three, thirty-four hundred and ninety-two, and thirty-five hundred and seven shall apply as well to criminal as to civil cases: provided that in a felony case in the court of appeals, if the plaintiff in error file with the clerk of the said court an affidavit that he is unable to pay or secure to be paid the costs of printing the record in the case, the printing shall be done as if the costs had been paid, and the clerk shall not be required to account for and pay the same into the treasury; but if the said costs be not paid or secured to be paid, and upon the hearing of the case, the judgment of the court below be wholly affirmed by the court of appeals, the said court, in affirming, shall also give judgment in behalf of the commonwealth against the plaintiff in error for the amount of the said costs, to be taxed by its clerk.

2. This act shall be in force from its passage.

CHAP. 76.—An ACT to amend and re-enact section 2286 of the code of Virginia, in relation to when and how decree for divorce from bed and board may be revoked or divorce from bond of matrimony granted.

Approved January 17, 1896.

1. Be it enacted by the general assembly of Virginia, That section two thousand two hundred and sixty-six of the code of Virginia be amended and re-enacted so as to read as follows:

§ 2266. When and how decree for divorce from bed and board may be revoked or divorce from bonds of matrimony granted.—When a decree for a separation forever, or a limited period, shall have been made in a suit for a divorce from bed and board, it may at any time thereafter, upon the joint application of the parties and a production by them of satisfactory evidence of their reconciliation, be revoked by the same court which made it, and under such regulations and restrictions as the court may impose; and when a divorce from bed and board has been decreed for abandonment or desertion, and three years shall have elapsed from the abandonment or desertion without such reconciliation, the court may, upon the application of the injured party and the production of satisfactory evidence, whether taken thereto or in support of such application, decree a divorce from the bonds of matrimony; provided the court shall be of the opinion that such decree would have been proper, when the decree from bed and board was made, had three years then elapsed, and the whole evidence adduced upon said application been before the court, and that no reconciliation is probable.

2. This act shall be in force from its passage.

CHAP. 77.—An ACT to amend and re-enact section 2216 of the code of Virginia relating to the issuing of marriage licenses.

Approved January 17, 1896.

1. Be it enacted by the general assembly of Virginia, That section two thousand two hundred and sixteen of the code of Virginia be amended and re-enacted so as to read as follows:

§ 2216. Marriage license—by whom issued.—Every license for a marriage shall be issued by the clerk of the court of the county or corporation in which the female to be married usually resides; and in case the latter is a non-resident of the state, then by the clerk of the court of the county or corporation in which the marriage is to be solemnized; or, if the office of the clerk be vacant, by the judge of the county court of such county, or the mayor of such corporation, who shall make return thereof to the clerk as soon as there may be one; provided, however, that when the residence of a female to be married is within the limits of a city, the license for such marriage shall be issued by the clerk of the court of such city; provided, further, that all marriages of females residing within jurisdiction of a corporation or hustings court, which have been heretofore solemnized by virtue of a license issued by the clerk of the court of the county wherein a city was or is situated, shall be as valid as if such license was issued by the clerk of such corporation or hustings court.

2. This act shall be in force from its passage.

CHAP. 78.—An ACT to incorporate the Society of colonial wars in the state of Virginia.

Approved January 17, 1896.

1. Be it enacted by the general assembly of Virginia, That Joseph Bryan, Gustavus Adolphus Walker, Virginius Newton, Richard Thomas Walker Duke, junior, Thomas Bolling, junior, Edward Carrington Mayo, James Lyons, William James Walker, John Garland Walker, James Alston Cabell, and Thomas Nelson Carter, and such other persons as may be associated with them, and their successors, are hereby constituted, and declared to be a body politic and corporate by the name and style of the Society of colonial wars in the state of Virginia, and by that name shall be known in law, and shall have perpetual succession and a common seal, with the right to change the same at pleasure, and shall have a right to sue and be sued, contract and be contracted with, and to enjoy all the rights and privileges, and be subject to all the regulations incident to similar corporations under the general law of the commonwealth.

2. The objects of said corporation are social and patriotic, and the said society has been formed for the purpose of perpetuating among their descendants the memory of the men who assisted in

establishing the colonies of America, and imperiled their lives and interests in the French and Indian wars, from May thirteenth, sixteen hundred and seven, to April nineteenth, seventeen hundred and seventy-five, which, preceding the revolutionary struggle, tended to form the free and independent United States of America, and for the collection and preservation of historical relics and documents relating to the period.

3. The principal office of the said corporation shall be in the city of Richmond, Virginia.

4. The members of the said corporation shall have authority to adopt a constitution and by-laws, to prescribe rules and regulations for its government and the promotion of its interests, for the admission and expulsion of its members, and to amend the constitution and by-laws in the manner to be therein prescribed.

5. The officers of the said corporation shall be a governor, deputy governor, lieutenant-governor, secretary, treasurer, deputy governor-general, registrar, chancellor, and such other officers as may be deemed necessary, and they shall be elected in such manner and at such times, and shall hold office for such terms and perform such duties as the constitution and by-laws shall prescribe.

6. Said corporation may acquire property by gift, devise or purchase, and may use, manage and dispose of the same in such manner as may be deemed best to advance the object of its incorporation.

7. All the property, real, personal or mixed, which said corporation now owns or may hereafter acquire by gift, purchase or otherwise, shall be exempt from all state, county and city taxes or levies.

8. The amount of the real estate which the corporation may hold at any time shall not exceed five hundred acres.

9. This act shall be in force from its passage.

CHAP 79.—An ACT to authorize the principal of the Rappahannock institute, of Tappahannock, Va., to confer certificates and diplomas in the various departments of instruction, and also to grant diplomas of graduation to pupils entitled thereto in said institute, and to own and use a seal.

Approved January 17, 1896.

1. Be it enacted by the general assembly of Virginia, That the principal of the Rappahannock institute, of Tappahannock, Virginia, be, and he is hereby, authorized and empowered to confer certificates of distinction and diplomas in the various departments of instruction, and also to grant diplomas of graduation to pupils entitled thereto in said institute.

2. The said principal of the Rappahannock institute shall have authority to own and use a seal, which he may affix to such certificates and diplomas as may be granted from time to time under authority of this act.

3. This act shall be in force from its passage.

CHAP. 80.—An ACT to amend and re-enact section 3 of an act entitled an act to protect wild water-fowl and other game in the counties of Accomac and Northampton, approved March 5, 1894.

Approved January 18, 1896.

1. Be it enacted by the general assembly of Virginia, That section three of an act entitled an act to protect wild water-fowl and other game in the counties of Accomac and Northampton be amended and re-enacted so as to read as follows:

§ 3. It shall not be lawful for any person to shoot or kill rabbits, sometimes known as hares, or partridges, sometimes known as quail, in said counties of Accomac and Northampton, between the fifteenth day of January and the fifteenth day of November of each year, or to take or destroy the eggs of partridges or quail at any time; or to shoot or in any manner kill or destroy the bird known as the marsh-hen before the fifteenth day of September in any season, or take its eggs later in the season than the first of June; or to shoot or in any manner kill or destroy the bird known as the willet before the fifteenth day of August in any season, or take its eggs at any time; or to shoot or in any manner kill or destroy the bird known as the gull or striker at any time, or to take its eggs later in the season than the fourth day of July; or to kill or capture woodcock, between the first day of November, and the first day of April, or to kill or destroy the turkey-buzzard, or black-buzzard; or to capture for sale or transportation, or to kill the mocking-bird; or to kill or capture the brown thrush, or cardinal or red-bird or house martin or starling; or to destroy their nests. If any person violate any of the provisions of this section he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined ten dollars for each offence, and imprisoned in jail until the fine is paid, but not exceeding ten days.

Any person found violating any section of this act, may be seized without warrant by any sheriff or constable or any citizen of this commonwealth, and carried before a justice of the county, in which the offence was committed, and be by him disposed of in any case. And in the prosecution of any person for the violation of any section of this act, the proof of any such wild fowl, game or bird in his possession, shall be prima facie of his guilt.

2. This act shall be in force from its passage.

CHAP. 81.—An ACT to amend and re-enact section 5 of an act approved March 8, 1875, entitled an act to incorporate the town of Glade Springs, in Washington county.

Approved January 18, 1896.

1. Be it enacted by the general assembly of Virginia, That section five of an act approved March eighth, eighteen hundred and

seventy-five, entitled an act to incorporate the town of Glade Springs, in the county of Washington, be amended and re-enacted so as to read as follows:

§ 5. It shall be lawful for the mayor and council of said town to assess and collect an annual tax in said town on all such property, real and personal, in said town, as is now subject to taxation by the revenue laws of the state of Virginia; provided that the tax on real and personal estate shall not exceed in any one year twenty cents on every hundred dollars of the assessed value thereof for all purposes, except keeping up the streets and roads of said town, and in opening grading and improving the same, for which purpose an additional levy not exceeding ten cents on every hundred dollars of the assessed value of said property may be laid and collected by the town council and expended under its direction, and no other tax shall be collected on said property within the corporate limits of said town for road purposes.

And provided, further, that any land or lot on which there is no dwelling house or tenement, shall be exempt from taxation by said corporate authorities, except for road purposes.

2. This act shall be in force from its passage.

CHAP. 82.—An ACT to amend and re-enact an act to amend and re-enact section 3319 of chapter 163, code of Virginia, in relation to the appointment of commissioners in chancery, as amended and re-enacted by an act approved February 4, 1890, and by an act approved February 24, 1890, and by an act approved March 4, 1892, and by an act approved January 29, 1894, and by an act approved February 27, 1894.

Approved January 18, 1896.

1. Be it enacted by the general assembly of Virginia, That section three thousand three hundred and nineteen of chapter one hundred and sixty-three of the code of Virginia, as amended by an act approved February fourth, eighteen hundred and ninety, and by an act approved February twenty-fourth, eighteen hundred and ninety, and by an act approved March fourth, eighteen hundred and ninety-two, and by an act approved January twenty-ninth, eighteen hundred and ninety-four, and by an act approved February twenty-seventh, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 3319. Each circuit and each corporation court having chancery jurisdiction, or the judge thereof in vacation, shall from time to time appoint commissioners in chancery, who shall be removable at pleasure. There shall not be more than four such commissioners in office at the same time for the same court, except that the chancery court of the city of Richmond may have ten, the circuit court of the county of Norfolk, eight, the corporation court of the city of Portsmouth, six, the corporation court of the city of Manchester, six, and the corporation court of the city of Roanoke, six, and the corporation

courts and the circuit courts of the counties of Augusta, Pittsylvania, Loudoun, Rockingham, Louisa, Frederick, Shenandoah, Rockbridge and the city of Petersburg may each have five in office at the same time, and the counties of Chesterfield and Botetourt may have six.

2. This act shall be in force from its passage.

CHAP. 83.—An ACT repealing an act entitled an act for the protection of fish in Bland, Tazewell and Smyth counties, so far as it relates to the county of Bland.

Approved January 18, 1896.

1. Be it enacted by the general assembly of Virginia, That sections one, two, four and five of an act entitled an act for the protection of fish in Bland, Tazewell and Smyth counties, approved February the twelfth, eighteen hundred and ninety-four, be, and the same is hereby, repealed so far as it relates to the county of Bland.

2. This act shall be in force from its passage.

CHAP. 84.—An ACT to incorporate the Mineral belt railway and tramway company.

Approved January 18, 1896.

1. Be it enacted by the general assembly of Virginia, That Rowland F. Hill, J. Frederic Kernochan, William Man, and W. H. Adams and W. A. Little, junior, and any other person or persons that they may associate with them, their successors and assigns, be, and they are hereby, incorporated and made a body politic and corporate, under the name and style of the Mineral belt railway and tramway company, and as such are authorized and empowered to locate, construct, equip and operate a tramway to use steam, electricity or any other motive power, commencing at a point at or near Mineral City, on the Chesapeake and Ohio railway, in Louisa county; thence to a terminus at or within twenty miles of Aquia creek, in Stafford county, by such route as may be deemed most advisable by the directors of said company, and by that name shall be known in law.

2. The said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may make and have a common seal, and alter or renew the same at pleasure; and shall have, possess and enjoy all the rights and privileges of a corporation or a body politic in the law and necessary for the purposes of this act.

3. The capital stock of the said company shall not be less than five thousand dollars, and from time to time may be increased to

any amount, not exceeding fifty thousand dollars, by issue and sale of shares, the par value of which shall not be less than fifty dollars, under such regulations as the board of directors of said company shall from time to time prescribe; and the directors may receive cash, labor, material, real or personal property, in payment of subscriptions to the capital stock, at such valuation as may be agreed upon between the directors and the subscribers, and may make such subscriptions payable in such manner or amounts, and at such times, as may be agreed upon with the subscribers.

4. It shall be lawful for said company to borrow money and issue and sell its bonds, from time to time, for such sum and on such terms as its board of directors may deem expedient and proper, in the prosecution of any of its works; and may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property—real, personal or mixed, its covenants, contracts and privileges, and its chartered rights and franchise, including its franchise to be a corporation; and it may, as the business of the company may require, sell, lease, convey and encumber the same.

5. It shall be lawful for said company to subscribe to and hold shares in the capital stock of any mining or manufacturing corporation; and any mining or manufacturing or other corporation may lease or operate the road and property of the said company, or guarantee or hold the stock or bonds of the said company.

6. The said company is authorized and empowered to locate, construct, equip and operate lateral or branch tramways from any point on its line of railroad to any timber, ore banks, mines or other operations in the counties of Louisa, Spotsylvania, Orange, Culpeper and Stafford, or to connect the said line with any other tramway or railroad now built or hereafter to be constructed in or either of the said counties; and the said company may connect or unite its said road with that of any other company, or consolidate and merge its stock, property and franchises with those of any other company, operating or authorized to operate a connecting line of tramway upon such terms as may be agreed upon between the companies so uniting or connecting, merging or consolidating; and for this purpose power is hereby given to it and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connection, merger or consolidation.

7. The said company may acquire by condemnation, according to the laws of Virginia, the lands required for the right of way of its railroad and the necessary stations and depots for its operation, and may connect or unite its road with that of any other company. Said company may cross any railroad track, but not at grade, by proper bridges, tunnels and appliances to fully protect from any danger.

8. The said company shall be required to commence the construction of said road within two years from the passage of this act and to complete the construction of its main line within five years thereafter. The said company may mine ore and other minerals from land received by it in payment of subscriptions to its capital stock.

9. The persons first named in this act, or such of them as shall accept the provisions thereof, shall have power and authority of a

president and board of directors for the purpose of organization and for all other purposes. They shall continue in office until their successors shall be elected and qualified. Each stockholder in the company shall at all meetings or elections, be entitled to one vote for each share of stock registered in his name.

10. The board of directors shall be stockholders of said company. They shall appoint one of their number president, and may fill any vacancy that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever ten per centum of the capital stock shall have been subscribed and the board of directors shall have elected a president, said company shall be considered legally organized, and may proceed to the transaction of business.

11. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal office of the company shall be located at some point within the limits of the state of Virginia.

12 Whenever the corporation shall exercise any of the privileges conferred by this act, it shall be liable to the same taxes as may be imposed by law upon other like corporations or persons exercising like privileges, and all taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

13. This act shall be in force from its passage, but the general assembly of the state of Virginia reserves to itself the right to modify, alter, or repeal this act at any time hereafter.

CHAP. 85.—An ACT to amend and re-enact section 1, 2 and 4 of an act entitled an "Act to appoint a board of trustees for the Virginia female institute at Staunton, and to provide for the future government of said institute, approved March 14, 1874," with a preamble to said amended and re-enacted sections.

Approved January 18, 1896.

Whereas since the above named act, approved March fourteenth, eighteen hundred and seventy-four, and which is printed as chapter one hundred and eight in the session acts of the general assembly of Virginia for the year eighteen hundred and seventy-four, went into operation, the diocese of the Protestant Episcopal church in the state of Virginia, referred to in the above named act as "The Diocese of Virginia," has been divided into two other dioceses—one known as the diocese of Virginia and the other as the diocese of southern Virginia; and whereas at the last council of the Protestant Episcopal church, in the diocese of Virginia, prior to the division hereinbefore mentioned, the same having been held in Danville, Virginia, in the month of May, eighteen hundred and ninety-two, amongst the resolutions adopted providing for the division of the diocese, was the following: "Fifth. Resolved, That the Virginia female institute

shall remain the property of the diocese of Virginia and of the proposed new diocese, and under their joint control and management, on such terms and conditions as may be hereafter determined," which, together with other action of said council of the diocese of Virginia, at Danville, Virginia, in May, eighteen hundred and ninety-two, relative to said division, was subsequently, in the same year, approved and ratified by the general convention of the Protestant Episcopal church in the United States; and whereas, in pursuance of the resolution adopted by the council of the Protestant Episcopal church in the diocese of Virginia, at Danville, in eighteen hundred and ninety-two, hereinbefore quoted, committees of the councils of the two dioceses hereinbefore named, into which the former diocese of Virginia was divided, have met in joint session and agreed that said last named two dioceses should, in their joint holdings, control and management of said Virginia female institute, be upon a footing of exact equality in all respects, which action of said committees has been reported to and confirmed by the councils of their respective dioceses; and whereas it is deemed desirable and important that a new board of trustees should be appointed for said institute, and that the aforesaid act, approved March fourteenth, eighteen hundred and seventy-four, should also be otherwise changed and amended so as to recognize the division of the diocese of the Protestant Episcopal church in Virginia, into the two existing dioceses hereinbefore mentioned, and to provide for the substitution of said two dioceses to all the interest in and control and management of the said Virginia female institute and its property and affairs, to which the former diocese of Virginia, prior to its aforesaid division, was entitled under said act of the fourteenth of March, eighteen hundred and seventy-four: now, therefore,

1. Be it enacted by the general assembly of Virginia, That sections one, two and four of an act entitled an act to appoint a board of trustees for the Virginia female institute at Staunton, and to provide for the future government of said institute, approved March fourteenth, eighteen hundred and seventy-four, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That Right Reverend F. M. Whittle, D. D., Right Reverend John B. Newton, James M. Garnett, R. Taylor Scott, Joseph Bryan, John G. Williams and Thomas Potts, all of whom reside within the boundaries of the diocese of the Protestant Episcopal church, at present known and designated as the Diocese of Virginia, and Right Reverend A. M. Randolph, D. D., W. W. Old, Charles M. Blackford, W. A. Anderson, H. M. Bell, T. C. Elder and Thomas D. Ranson, all of whom reside within the boundaries of the diocese of the Protestant Episcopal church, at present known and designated as the Diocese of southern Virginia, be, and they are hereby, appointed trustees of the Virginia female institute, in the city of Staunton, Virginia, and they and their successors shall constitute a board, with full power to manage and control the property and affairs of said institute; to adopt proper and needful rules and regulations for the government of the same; to appoint annually a board of directors, and to hold, preserve and use the pro-

perty and effects of the said institute for the uses and purposes of its original charter and none other. The board of trustees hereby appointed shall be divided into two parts, designated as part one and part two, respectively. The seven persons first hereinbefore named as trustees, and described as living within the limits of the present diocese of Virginia, and their successors, shall constitute part one, and the seven persons last hereinbefore named as trustees, and who are described as living within the limits of the diocese known at present as the diocese of southern Virginia, and their successors, shall constitute part two. The said trustees and their successors may acquire, receive, hold, manage, rent, sell, grant, convey, invest, convert, and otherwise dispose of, as to them shall seem most conducive to the interest of said institute, for the purpose of educating white females in said institute, and erecting, acquiring, equipping and furnishing the necessary buildings and other property therefor, and maintaining said institute, all lands, tenements, stocks, bonds, goods, moneys, securities, chattels and property of every kind, which have been, or may be given, bequeathed or devised to, or otherwise acquired by said trustees for the purposes aforesaid, or for the endowment of said institute, or of any chair therein, or for the purpose of establishing or endowing fellowships or scholarships therein, upon such conditions as may be imposed by the donor, grantor, or testator making said gift or grant; and for said purposes the trustees and their successors may acquire the stock of said corporation, and hold the same for the advancement of the cause of education in the said institute. Devises, bequests, gifts and grants may be given or made to the trustees of the Virginia female institute for any or all of the purposes aforesaid.

§ 2. The first meeting of said board of trustees shall be held on the first Thursday in May, eighteen hundred and ninety-six, at the Virginia female institute, in the city of Staunton; and there shall be at least one regular meeting of the board in each year thereafter, the time and place of such meeting to be fixed by said board; and in the event the board is unable to agree on the time and place for the regular annual meeting, it shall be held on the first Thursday in May, and at said institute in Staunton. Any five members, irrespective of the parts of the board to which they belong, may call a special meeting of the board to be held at said institute in Staunton, and at such time as may be designated by a written or printed notice, duly mailed to the regular post-office addresses of the other members, or by publication in at least two newspapers of general circulation, one of which shall be published in the diocese of Virginia and the other in the diocese of southern Virginia; the notice if sent by mail to be forwarded at least two weeks before the meeting, and if by publication in the newspapers the first insertion in each paper to be at least two weeks before the meeting, and the publication to be continued until the meeting. Three members from each of the parts into which the board of trustees is divided—six altogether—shall constitute a quorum for the transaction of business, and no measure can be carried unless a majority of the members from each diocese, constituting the quorum in attendance on the meeting at which it is

voted on, shall vote in its favor; nor can any office be filled, or any person elected or chosen to any position by the board, unless by a like concurrent vote of the two parts. The board of directors, which the board of trustees are by the first section of this act authorized to appoint, shall consist of as many members as the board of trustees in a regular annual meeting assembled shall determine, who may be, in whole or in part, persons other than members of the board of trustees; and they may all reside in one diocese, or be selected from the dioceses of Virginia and southern Virginia in equal numbers as between the two. The board of trustees shall have power to enact by-laws for its own government, and also for the government of the board of directors: provided that they are not in conflict with the constitution or laws of this state or of the constitution and laws of the United States.

§ 4. Each part of said board of trustees shall have power to fill any vacancies, which may occur in the membership of such part, arising from death, resignation, inability or refusal to act, or removal from the diocese represented by such part. Any such vacancy shall be filled by that part of the board in which it occurs alone, without assistance from or interference by the other part of the board; but the selection of a person to fill the vacancy shall be made from two or more persons recommended therefor by the council of the diocese to which the part of the board of trustees in which the vacancy occurs shall belong; and in this way part one of the board may keep this part full, and part two may keep its membership full, each doing this without interference on the part of the other.

2. This act shall be in force from its passage.

CHAP. 86.—An ACT to amend and re-enact sections 197 and 198 of the code of Virginia, relative to exemption of members of general assembly from arrest or obedience to civil process of courts.

Approved January 18, 1896.

1. Be it enacted by the general assembly of Virginia, That sections one hundred and ninety-seven and one hundred and ninety-eight of the code of Virginia, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 197. Civil proceedings for or against members and clerks during session.—Any action, suit, or other civil proceedings, either in favor of or against a member of the general assembly, the clerks thereof, and their assistants, may be commenced, but shall not, unless by his consent, be prosecuted to final judgment or decree during his attendance upon the general assembly; but his person shall not be taken into custody or imprisoned.

§ 198. Privilege of members and clerks from arrest.—During his attendance upon the general assembly, and for one day before and after the session, for every twenty miles he must necessarily travel

to or from his home, a member of the general assembly, the clerks thereof and their assistants, shall be privileged from being taken into custody or imprisoned under any process, except as provided in the following section.

2. This act shall be in force from its passage.

CHAP. 87.—An ACT to incorporate the Powhatan troop association.

Approved January 18, 1896.

1. Be it enacted by the general assembly of Virginia, That the Powhatan troop association, composed of the veteran survivors of company E, fourth regiment of Virginia calvary, second brigade, first division of Stuart's calvary corps, army of Northern Virginia, and their associates and successors be, and they are hereby, made and constituted a body politic and corporate by the aforesaid name.

2. The officers and directors of the association for the first year, or until their successors are appointed, or elected, shall be Joseph Hobson, president; Charles Old, vice-president; Frank D. Hill, secretary; John R. Goode, treasurer; J. H. Harrison, chaplain. Directors—James R. Werth, John Gilliam, Charles Seldon, W. U. Kennon, B. R. Selden, Milton McLaurine and Augustine Royal.

3. The object of the association is to erect a monument in remembrance of the Powhatan troop, and to provide for the preservation of the same.

4. It shall be lawful for the association to elect and appoint, from time to time, such officers as may be necessary for the proper management of the association's affairs, and thereupon they shall have and exercise all the general powers of a corporation, consistent with the purpose of this act.

5. It shall be lawful for the association to acquire from the judge of the county court of Powhatan county, Virginia, and to hold the fee simple title thereto, to a plat of land forty feet square in and upon the court green of Powhatan courthouse, for the purpose of erecting a monument thereon, and for no other purpose whatever.

6. It shall be lawful for the association to issue to each of its members, or to any descendant of any deceased veteran, a certificate of membership and a descriptive list, and to have the same recorded in a book to be provided by the association, to be placed in the custody of the clerk of the county court, upon the payment to the said clerk of the said county the proper fee for recording the same.

7. This act shall be in force from its passage.

CHAP. 88.—An ACT to amend and re-enact section 4 of an act, approved January 22, 1894, entitled an act to amend and re-enact section 4 of an act entitled an act to incorporate the Norfolk and Atlantic terminal company, approved January 28, 1892.

Approved January 18, 1896.

1. Be it enacted by the general assembly of Virginia, That section four of an act approved January twenty-eighth, eighteen hundred and ninety-two, entitled an act to incorporate the Norfolk and Atlantic terminal company, as amended and re-enacted by an act approved January twenty-second, eighteen hundred and ninety-four, entitled an act to amend and re-enact section four of an act entitled an act to incorporate the Norfolk and Atlantic terminal company, approved January twenty-eighth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 4. For convenience of access to said property and its improvements, the said company shall have authority to construct suitable turnpikes or roads from Sewell's Point, in Norfolk county, to the city of Norfolk; and for that purpose, if necessary, it shall have the right to condemn, by legal proceedings, strips of land over which it is proposed to build such *turnpikes* or roads, not exceeding one hundred feet each in width, and for that purpose it shall have the right to construct bridges, or a toll bridge, or *both*, over Tanner's creek at such *point* or points as may be necessary to connect the ends of such *turnpikes* or roads herein provided for; provided they are constructed with draws therein so as to permit the passage through said creek of such vessels as ply therein; and provided further, that such toll bridge over Tanner's creek, if built, shall be commenced within two years and finished within five years from and after the date and passage of this amendment. And in order to keep in repair such turnpikes and drawbridges, the said company shall have the right to charge and collect moderate tolls, such as are charged by other toll-bridge and turnpike companies in the said Norfolk county.

2. This act shall be in force from its passage.

CHAP. 89.—An ACT to provide for erecting, rebuilding, and repairing bridges in Fairfax county.

Approved January 18, 1896.

1. Be it enacted by the general assembly of Virginia, That whenever it shall be necessary to erect, rebuild, or repair any bridge in Fairfax county, the estimate cost of which shall not exceed the sum of one hundred dollars, it shall be the duty of the commissioner of roads within whose limits or division the same may be to give notice of the fact in writing to the supervisor of his district. If, upon examination of the case, said supervisor shall deem the erection, rebuilding, or repairing such bridge necessary, he shall notify in

writing a supervisor in an adjoining district to meet at a time named to examine and determine upon the necessity of the case applied for.

2. If the case demand immediate action, and the expense of erecting, rebuilding, or repairing shall not exceed the sum of one hundred dollars, the said supervisors may receive proposals for a contract for building or repairing the same. The certified cost of erecting, rebuilding, or repairing said bridge shall be paid out of any county funds in the hands of the county treasurer upon order of the county court.

3. If, upon examination by the supervisors as aforesaid, it shall appear that the cost of erecting, rebuilding, or repairing a bridge will probably exceed one hundred dollars, said supervisors shall, at a meeting of the board, make a statement of the case before said board, a majority of whom may receive proposals and have power to contract for erecting, rebuilding, or repairing said bridge.

4. The supervisors shall receive a compensation of two dollars for each day necessarily and actually spent in examining or superintending the building or repairing of any bridge, and if called out his district to examine any bridge.

5. Any bridge erected, rebuilt, or repaired between Fairfax and any adjoining county, shall be under the direction of the county court as prescribed by the general law.

6. All bridges costing less than fifty dollars shall be built and kept in repair under the direction of the commissioners of roads, and the cost and expense of the same be paid out of the road-tax of the district in which such bridges may be, except the necessary plank required for covering any bridge.

7. Whenever any plank is required for covering any bridge built or repaired under the direction of the commissioners of roads, said commissioners shall order the plank for said bridge and send a certified copy of bill of the same to the board of supervisors, who shall examine the same, and, if approved by them, shall order said bill paid out of the county funds.

8. All acts or parts of acts inconsistent with this act are hereby repealed.

9. This act shall be in force from its passage.

CHAP. 90.—An ACT to change the name of the Norfolk and Ocean View railroad and hotel company to the Norfolk and Ocean View railroad company, and to amend and re-enact section 1 of chapter 166 of the acts of assembly of 1878-'79, entitled an act to incorporate the Norfolk and Ocean View railroad and hotel company.

Approved January 18, 1886.

1. Be it enacted by the general assembly of Virginia, That section one of chapter one hundred and sixty-six of the act of assembly of eighteen hundred and seventy-eight and seventy-nine, entitled an

act to incorporate the Norfolk and Ocean View railroad and hotel company, approved February twenty-seventh, eighteen hundred and seventy-nine, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That John B. Whitehead, C. W. Newton, R. B. Tunstall, H. M. Nash, R. S. Dodson, V. D. Groner, Joseph E. Barry, J. T. Colling, F. S. Taylor, and Walter H. Taylor, or such of them as may accept the provisions of this act, and such persons or corporations as may become associated with them in the manner herein provided, shall be, and they are hereby, constituted a body politic and corporate by the name of the Norfolk and Ocean View railroad, and by that name shall have all the powers, rights, and franchises necessary and proper to locate and maintain a railroad of such gauge as they may elect, from the city of Norfolk to Ocean View on Chesapeake bay; and the above named corporators are authorized, either in person or by agent or agents by them appointed, to open books and receive subscriptions to the capital stock of the said Norfolk and Ocean View railroad company.

2. This act shall be in force from its passage.

CHAP. 91.—An ACT to incorporate the Norfolk, Willoughby Spit and Old Point railroad company.

Approved January 18, 1896.

1. Be it enacted by the general assembly of Virginia, That Charles H. Barritt, H. L. Page, W. A. Barritt, junior, James Goodwin and Ivor A. Page, and such other persons as may become associated with them in the manner hereinafter provided, shall be, and they are hereby, constituted a body politic and corporate by the name of the Norfolk, Willoughby Spit and Old Point railroad company, and by that name shall have perpetual succession and a common seal, which they may alter and amend at their pleasure, and may sue and be sued, plead and be impleaded, contract and be contracted with, purchase, hold, and grant estates, real and personal, and make ordinances, by-laws, and regulations consistent with the laws of this state and of the United States, for the government of all under their control, and for the management of their estates and the due and orderly conduct of their affairs; and by that name shall have all the powers, rights, and franchises necessary and proper to locate, construct, equip, maintain, and operate a railroad of such gauge as they may elect from the city of Norfolk to Willoughby Spit, and from Willoughby Spit to Old Point, Virginia, and from Ocean View to Willoughby Spit, on Chesapeake bay; and the above named corporators are authorized, either in person, or by agent or agents by them appointed, to open books and receive subscriptions to the capital stock of said Norfolk, Willoughby Spit and Old Point railroad company.

2. The said company shall have the right to purchase, lease, charter, hold, equip, furnish, and operate one or more steamboats or other vessels for the purpose of establishing and maintaining a ferry between Willoughby Spit or Ocean View, in the county of Norfolk, and Old Point, Hampton, or Newport News, Virginia, and may convey and transport passengers, teams, vehicles, freight, and all other things and persons, which, in the opinion of the board of directors, it may be desirable to convey and transport; and the said company shall have the right to charge and collect, by due process of law, such reasonable tolls, rates, or charges for such conveyance or transportation as the board of directors may prescribe.

3. The capital stock of said company shall not exceed fifty thousand dollars, to be divided into shares of the par value of one hundred dollars each, each share to be entitled to one vote at all stockholders' meetings, and whenever fifty shares have been subscribed the subscribers may organize the company by electing a board of directors and president, and electing and appointing such other officers as may be necessary for the management of the affairs of the company; and thereupon they shall have and exercise all the general powers and functions of a corporation, and be subject to all the restrictions imposed by the general laws of the state applicable to internal improvement companies, except the same be inconsistent with this act.

4. The capital stock of said company may be increased from time to time by the board of directors to such amount as they may deem necessary for the interests of the company, not exceeding the maximum capital stock prescribed by this act, and the board of directors shall have power to borrow money and to issue bonds or other evidences of indebtedness therefor, in such sums, payable at such times and places, and bearing such rates of interest, as may be deemed most advantageous to said company, and may secure the same by one or more mortgages or deeds of trust on the road, franchises, income and the real and personal property of the company, or such part or all parts thereof as may be designated in the deeds of trust, mortgage or mortgages.

5. It shall be lawful for said company to acquire in subscriptions to its capital stock, or by donations or otherwise, lands, property, materials or labor, and to receive subscriptions from other companies, associations or corporations in stock or otherwise, and to make such arrangements as may be agreed upon by the respective boards of directors of said companies, associations or corporations for the inducement of sale, exchange or consolidation of stock and lands as will facilitate the construction and operation of said road: and the said company may sell, lease, or otherwise dispose of any lands or other property acquired under this section at their pleasure.

6. The said company may acquire, hold by lease, purchase, condemnation or otherwise such real estate as may be needed for its purposes, and may build thereon such docks, wharves, warehouses and other structures as may be necessary or proper.

7. It shall be lawful for said company to consolidate with any other railroad company heretofore incorporated or hereafter to be in-

corporated in the state of Virginia, and to lease any other railroad or railroads, or the right of way over the same.

8. The said company, by the acceptance of this charter, hereby agrees to pay all taxes, dues and demands due the state that may hereafter be assessed against it in lawful money of the United States, and not in coupons.

9. The road shall be commenced within two years and be completed within five years from the passage of this act.

10. This act shall be in force from its passage.

CHAP. 92.—An ACT to amend and re-enact sections 615 and 616 of the code of Virginia in reference to the proceedings against delinquent treasurers and their sureties and the liens of judgments and executions against such treasurers and their sureties.

Approved January 21, 1896.

1. Be it enacted by the general assembly of Virginia, That section six hundred and fifteen and six hundred and sixteen of the code of Virginia be amended and re-enacted so as to read as follows:

§ 615. Auditor to deliver lists of delinquent treasurers to attorney-general, who shall proceed against them and their sureties; copy of notice to be recorded where treasurer or sureties has estate, and indexed.—On or before the first day of January and the first day of July of each year, the auditor of public accounts shall make out and deliver to the attorney-general a list of all the treasurers who have failed to make the statements or pay the sums required by section six hundred and four, and such lists, where the failure is to pay, shall specify the amount due from each of the said treasurers, and shall also specify the names of their sureties respectively. It shall be the duty of the attorney-general to proceed forthwith against the treasurers in default and their sureties for the recovery of the amounts due from such treasurers, respectively, and the interest thereon, prescribed by section six hundred and eighteen. The proceeding may be by motion, on notice, in the circuit court of the city of Richmond. Copies of such notice, certified by the clerk of the said court, shall be forthwith sent by the attorney-general to the clerks of the county and corporation courts of any county or city wherein it is ascertained that the treasurer, or his sureties proceeded against, has any estate, and the clerk to whom any such copy is so sent shall record it as a deed is required by law to be recorded, and index the same as well in the name of the commonwealth as of the treasurer and his sureties, each respectively.

§ 616. Lien of judgment and execution against treasurer and sureties.—A judgment in such proceeding, recovered against the treasurer, or against the treasurer and sureties, jointly or severally, shall be a lien on all his, or their real estate, in any county or city, of or to which he, or they respectively, shall be possessed or entitled at or after the time such notice is recorded and indexed as aforesaid, in

such county or city; and an execution, sued out on such judgment and placed in the hands of an officer to be executed, shall bind all the personal estate of such treasurer and sureties, jointly and severally, respectively, of or to which he, or they, each respectively, shall be possessed or entitled at or after the time the said notice is recorded and indexed as aforesaid, and before the return day of such execution; except that, as against an assignee for valuable consideration of any of said personal estate which is not capable of being levied on under an execution, or as against a person making a payment to such treasurer, the lien of the execution by virtue of this section shall not effect such assignee or person making payment, unless he had notice of the execution, or of the pendency of said proceeding at the time of the assignment or payment, as the case may be.

2. This act shall be in force from its passage.

CHAP. 93.—An ACT to give M. C. Richardson, treasurer of Warren county, Va., power of levy and distress to collect certain uncollected tax tickets.

Approved January 21, 1896.

Whereas M. C. Richardson, treasurer of Warren county, state of Virginia, has in his hands various tax tickets for which he has accounted to the state and county: therefore,

1. Be it enacted by the general assembly of Virginia, That the said M. C. Richardson shall have the same power of levy and distress as is now possessed by treasurers under the revenue laws, for one year from the passage of this act, to collect the uncollected tax tickets now in his hands for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two and eighteen hundred and ninety-three, and for which he has accounted to the proper authorities.

2. This act shall be in force from its passage.

CHAP. 94.—An ACT to authorize a vote in the city of Danville and town of Neapolis upon the question of annexing and uniting said city and said town in one city.

Approved January 21, 1896.

Whereas the councils of Danville and Neapolis desire to submit to the decision of the qualified voters of said city and town the question of annexing and uniting the same in one city upon the following general plan, namely:

1. That Danville and Neapolis shall be annexed and united as one city, under the name of the "city of Danville," the new city, so formed, taking all the assets and assuming and providing for all the

indebtedness and liabilities of the present city and town by equal and uniform taxation.

2. That the territory now embraced in Neapolis, shall constitute one or more wards in the new city, as may be ascertained to be proper, and shall have in the council thereof equal representation according to population as with the other wards of said city; shall preserve its public school system and the advantages thereof, according to the state law, and that no license for the sale of intoxicating liquors therein shall be granted by the corporation court of the city of Danville until it shall be clearly shown in some proper and legal way that public sentiment and a majority of the registered voters of said territory shall be in favor of such licensing and sale of intoxicating liquors, but the inhabitants of said territory shall not at any time vote upon the licensing and sale of intoxicating liquors in the other wards of said new city, or in the said new city at large.

3. That the councils of Danville and Neapolis apply to the general assembly of Virginia for such legislation as may be deemed necessary and proper to carry into effect such annexation and union on the first day of July, eighteen hundred and ninety-six. Therefore,

Be it enacted by the general assembly of Virginia, as follows:

First. That the judge of the corporation court for the city of Danville, when thereunto requested by the councils of Danville and Neapolis, shall order, in term time, or in vacation, a special election to be held in Danville and in Neapolis, on the day named in said order, and after at least twenty days' notice thereof, to determine whether said city and said town shall be annexed and united in accordance with the general plan above set out.

Second. Said special election shall be by ballot, and the ballots shall have printed upon them, respectively, "for annexation" and "against annexation."

Third. If in Danville and Neapolis, each a majority of the duly qualified voters, voting at such special election, shall vote for annexation, the question shall be determined in favor of annexation, but if in said Danville and Neapolis, or either of them, a majority of such voters, voting, shall vote against annexation, the question shall be determined against such annexation.

Fourth. The manner of holding and the manner of receiving and canvassing the ballots cast at said special election, and of making returns of the results thereof, shall conform to the general election laws of the state, as the same existed prior to the passage of the act of the sixth March, eighteen hundred and ninety-four, entitled "An act to provide for the method of voting by ballot," and except as herein otherwise provided.

Fifth. The certificate of the judges of election shall be in the following form:

We hereby certify that at the election, held in
at precinct , on the day of
eighteen hundred and ninety-six, the number of electors at this
election amounts to that votes were cast for
annexation and votes against annexation.

} clerks.

} judges.

Sixth. The results of the election herein provided for shall be certified by the proper officers of said election to the judge of the corporation court of Danville, and shall be entered by the direction of said judge in the order book of said court within ten days after the receipt of such certificate of the result of the canvass of such voting, and copies thereof by the clerk of said court shall be certified to the councils of Danville and Neapolis.

Seventh. Danville and Neapolis shall each pay the costs of its own said election.

Eighth. This act shall go into effect from its passage.

CHAP. 95.—An ACT to incorporate the Potomac river power company.

Approved January 21, 1896.

1. Be it enacted by the general assembly of Virginia, That R. Lancaster Williams, of Richmond, Virginia; R. Walton Moore and B. F. Mackall, of Fairfax county, Virginia; E. L. McClelland, of Alexandria county, Virginia; Horace S. Cummings, of Washington, District of Columbia; Henry L. Townsend, George G. Pierie and Powell Evans, of Philadelphia, Pennsylvania, and Wilson Waddington, of New Haven, Connecticut, or such of them as may accept the provisions of this act, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of "Potomac river power company," and by that name shall be known in law, and shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may make and have a common seal, and alter and renew the same at pleasure, and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the purposes of this act, and may make by-laws, rules and regulations consistent with the existing laws of the state of Virginia for the government of all under its authority, the management of its estates and properties, and the due and orderly conduct of its affairs.

2. The said company is authorized and empowered to supply to the public, including both individuals and corporations, within the counties of Fairfax and Alexandria and elsewhere in the state of Virginia, and within the state of Maryland and District of Columbia, power in the form of electric current and hydraulic, pneumatic and steam pressure, or any of the said forms, and in any or all other forms, for use in driving machinery, and for light, heat and all other uses to which the power so supplied can be made applicable; and to fix, charge, collect and receive rates and tolls therefor; and for the purpose of enabling the company to supply power as aforesaid, the company is authorized and empowered to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power of all kinds, and to locate, acquire, construct, equip, maintain and operate

from a point on the Potomac river in Fairfax or Alexandria county, by the most practicable route, to be determined by the board of directors of the company, to such point in the county of Alexandria as they may select, a line for the transmission of power by wires, on poles or underground, and by cables, pipes, tubes, conduits, and all other convenient appliances for power transmission, with such branch lines in said counties and elsewhere as a majority of the stockholders of the company may locate or authorize to be located, for receiving, transmitting and distributing power; and as appurtenances to the said line of power transmission and its branches, the company may acquire, own, hold, sell or otherwise dispose of water power and water privileges in the state of Virginia and elsewhere, and may locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing by water, steam or any other means, and for storing, using, transmitting, distributing, selling and delivering power, including dams, gates, bridges, sluices, tunnels, stations and other buildings; boilers engines, machinery, switches, lamps, motors, and all other works, structures and appliances, in the state of Virginia and in the state of Maryland, and the District of Columbia; provided that the amount of land which the company may at any time hold within the state of Virginia, for its water powers, and other works, as well as the land flowed or submerged with the water accumulated by its dams, shall not exceed five thousand (5,000) acres, exclusive of right of way.

3. The capital stock of the said company shall be not less than one hundred and fifty thousand dollars, and may, with the consent of a majority of its stockholders, be increased from time to time to any additional amount, not exceeding three million dollars, by the issue and sale of shares of preferred or common stock, or both, upon such terms and conditions and under such regulations as the board of directors, with the approval of the majority in interest of the stockholders of said company, shall prescribe, but the par value of every share of stock shall be fifty dollars; and the directors, with like approval of the stockholders, may receive cash, labor, material, bonds, stock, contracts, real or personal property in payment of subscriptions to the capital stock, and may make such subscriptions payable in such manner or amounts, and at such times as may be agreed upon with the subscribers; and whenever three thousand shares shall have been subscribed to and the sum of three thousand dollars paid in cash, the subscribers, under the direction of a majority of the corporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a board of directors, and providing for the election or appointment of such other officers as may be necessary for the control and management of the business and affairs of said company; and thereupon they shall have and exercise all the powers and functions of a corporation under their charter and the laws of this state.

4. It shall be lawful for said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper for any of the purposes of the company, and may secure the payment

of said bonds by mortgages or deeds of trust upon all or any portion of its property, real, personal or mixed, its contracts and privileges and its chartered rights and franchises, including its franchise to be a corporation; and it may, as the business of the company shall require, sell, lease, convey and encumber the same; and it shall be lawful for said company to subscribe to and hold the stock and bonds of manufacturing or other corporations, and any manufacturing or other corporation may subscribe to, guarantee and hold the stock and bonds of the said company.

5. The said company may connect or unite its lines for the transmission of power with those of any other company or companies, or consolidate and merge its stock, property and franchises with and into those of any other company or companies incorporated under the laws of this state, or of any other state or of the United States, operating or authorized to operate lines for the transmission of electric or other power, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating, or may acquire the said property and franchises of such other company or companies by lease or purchase; and for that purpose power is hereby given to it and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connection, merger or consolidation, lease or purchase; provided that a copy of every such contract of consolidation and merger shall be filed in the office of the board of public works.

6. The said company may acquire in the counties of Alexandria and Fairfax, by condemnation in the same manner that railroad companies may, under the laws of Virginia acquire land for their works, strips of land, not exceeding twenty-five (25) feet in width, with necessary additional width in deep cuts and fillings, required by the company for its power transmission lines and all other lands, not exceeding one thousand (1000) acres exclusive of right of way, necessary for the construction and operation of its works, as well as all necessary water, including in the land and water thus described, water powers, water privileges and land flowed or submerged with water accumulated by the company's dams.

7. The said company shall be required to commence the construction of its works within two years from the passage of this act; otherwise the powers, privileges, and franchises hereby granted shall be forfeited.

8. Each stockholder in the said Company shall at all meetings and elections be entitled to one vote for each share of stock registered in his name, and the stockholders of said company may enact such by-laws, rules and regulations for the management of said company as they may deem proper and expedient.

9. The board of directors shall be composed of stockholders of said company and shall consist of such number as the stockholders may prescribe from time to time by the by-laws and shall be elected at the stockholders annual meeting, to be held on such days as the by-laws of the company may direct, and shall continue in office for the term of one year from and after the date of their election, and

until their successors are elected and accept the duties of the office, and they shall choose one of their number president, and in case of the death, resignation or incapacity of any member of the board of directors during his term of office, the said board shall choose his successor for the unexpired term.

10. No stockholder in the said company shall be held liable or made responsible for its debts and liabilities in a larger or further sum than the amount of any unpaid subscription upon his stock.

11. The general assembly of Virginia reserves the right to alter, amend or repeal this charter, and whenever the corporation shall exercise any of the privileges conferred by this act, it shall be liable to the same taxes as may be imposed by law upon other like corporations or persons exercising like privileges, and all taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

12. The principal office of this company shall be located in the county of Alexandria, state of Virginia.

13. This act shall be in force from its passage.

CHAP. 96. An ACT to compensate school trustees, other than clerks of district school boards, in the counties of Gloucester and Mathews.

Approved January 21, 1896.

1. Be it enacted by the general assembly of Virginia, That the district school boards of the counties of Gloucester and Mathews, may, at their discretion, compensate the school trustees of their respective districts, other than the clerks of district school boards, at the rate of two dollars per day, for services rendered in attending district or county school boards, when called by the county superintendent, payable from their district school funds; provided that no trustee as aforesaid shall receive more than ten dollars in any one year for services rendered on district account.

2. This act shall be force from its passage.

CHAP. 97.—An ACT to amend and re-enact chapter 256 of the acts of assembly of 1855-'6, as amended by chapter 123, acts of assembly of 1883-'4, entitled an act to incorporate the town of Orange, and to enable said town to borrow money.

Approved January 21, 1896.

1. Be it enacted by the general assembly of Virginia, That the town of Orange, in the county of Orange, as the same has been heretofore laid off into streets, lanes and alleys, and consisting of the same area of land as heretofore belonged to said town of Orange, be

hereafter called by the name of Orange, and by that name shall have and exercise all the powers, rights, privileges and immunities, and be subject to the provisions of chapters forty-four and forty-five of the code of Virginia of eighteen hundred and eighty-seven, so far as the same relate to towns of less than five thousand inhabitants and are not in conflict with the powers herein conferred.

2. The officers of said town shall consist of a mayor and four trustees, who shall be elected from the qualified voters of the town on the fourth Thursday in May, eighteen hundred and ninety-seven, and on the same day every two years thereafter, whose term of office shall commence on the first day of July following their election, and continue until the election and qualification of their successors. The mayor shall be ex-officio a member and president of the board of trustees. The following-named persons shall constitute the first mayor and board of trustees for said town: F. B. Perry, mayor and ex-officio president of board of trustees; Thomas J. Peyton, David May, R. N. Robinson and D. G. Cowbig, trustees. They shall possess the powers and perform the duties prescribed for the mayor and trustees of said town as if elected, and shall enter upon the discharge of their duties on the day on which this act takes effect.

3. The said board of trustees shall have power to pass all by-laws and ordinances for the proper government of said town, not in conflict with the constitution and laws of this state or the constitution and laws of the United States, and to levy annually such taxes and prescribe such licenses as it may deem necessary for the purposes of said town, which said tax levy shall not exceed for one year fifty cents on the one hundred dollars' valuation of property as per state assessment. The said board shall, by a vote of a majority of their number, on the first meeting after their qualification, elect a town sergeant, a recorder, and a treasurer of said town, who shall hold office during the term of office of said board, unless removed by the mayor for cause, which said removal shall be ratified or set aside by the board of trustees at its next regular meeting. Any vacancy occurring by death, resignation, or removal, or any other cause, in any of the officers or appointees of said town, shall be filled by the said board of trustees, and the office of mayor, in case of vacancy, can be filled by said board out of its own number or by any qualified voter of the town. The compensation of the mayor shall be fixed by the board of trustees and shall not preclude the collection of legal fees by him.

4. The mayor, trustees, sergeant, recorder and treasurer shall possess all the powers and perform all the duties which are now or hereafter may be prescribed for like officers of towns of less than five thousand inhabitants.

5. The sergeant, in addition to the powers vested in, and the duties imposed upon him by law, shall be the messenger of the board of trustees, and during its meetings shall be its sergeant-at-arms. He shall collect all town taxes, licenses, and fines, and shall have power to distrain and sell therefor in like manner as a county treasurer may distrain and sell for state taxes. He shall perform such other duties, give such bond, and receive such compensation as the board of trus-

tees may prescribe. He shall pay into the hands of the treasurer of the town, at the beginning of each month, all taxes, licenses and fines collected by him during the preceding month, taking the treasurer's receipt therefor, and shall furnish the recorder with a memorandum of the names of all parties against whom fines are levied and the amounts thereof.

6. The recorder shall keep an accurate record of the proceedings of the council, its by-laws, acts, and ordinances, which shall be kept open for the inspection of any voter of said town. He shall make out the tax bills for said town, upon the state estimate of assessment annually, and issue licenses when required, and deliver such bills and licenses to the sergeant for collection, taking his receipt for and charging him with the same, also charging him with the amounts of all fines reported by him. His compensation shall be fixed by the board of trustees.

7. The treasurer shall keep all money paid to him by the sergeant, or otherwise coming into his hand, belonging to said town, and pay out same only upon proper vouchers drawn upon him, which shall be signed by the recorder and countersigned by the mayor, and shall receive such compensation and give such bond as the board may prescribe.

8. The laws existing at the time of and as prescribed by the code of Virginia of eighteen hundred and eighty-seven as to the appointment of judges, clerks and registrars and the qualifications of electors and the mode of holding elections, shall control the elections for said town. Any contest of the legality or validity of any registration or election, or the qualification of any one elected to an office in said town shall be cognizable by the county court of Orange county, with right of appeal to the circuit court of said county, but no such contest shall be allowed except after due notice served upon the person or persons whose election is affected thereby at least ten days before the first day of such county court, and within ten days after such election; said notice shall be served by at least fifteen qualified voters of said town.

9. The board of supervisors of Orange county shall ascertain the amount of tax paid by property-owners of said town to said county and applied for road purposes by said county, and shall cause to be paid over the same amount to the treasurer of said town on the first day of December of each year, the tax being that of preceding year less cost of collection; and the said board of supervisors of the county of Orange shall ascertain the amount of tax paid by the property-owners of the said town to the said county and applied to support of the poorhouse of said county, and to the extent of said amount shall take care of the poor of said town when properly committed to the poorhouse; the price of each pauper's keep to be agreed between the board of supervisors of the county and the board of trustees of the said town. The said town may be allowed by the county court of Orange the use of quarters in the county jail for their purposes. The jailor of Orange county shall be entitled to same jail fees for prisoners committed to the jail by said town authorities as for other prisoners, and the town shall be responsible to the said jailor for the same.

10. The said town shall have full power, in relation to chain-gangs, as provided in sections thirty-nine hundred and thirty-two and thirty-nine hundred and thirty-three of the code of Virginia of eighteen hundred and eighty-seven.

11. The trustees of said town, whenever the consent of a majority of the freeholders of said town, at an election held for that purpose, which shall be after ten days' notice of the time and place of holding same, and the purpose thereof has been published in the newspaper or newspapers published in said town once a week for four successive weeks, shall so elect and decide, shall have power to borrow for said town, and for the purpose of internal improvements, a sum of money not exceeding five thousand dollars, by the issue and sale of the bonds of said town. Said bonds shall be registered or coupon bonds, and shall be in such denominations as the board of trustees may prescribe, and shall bear interest, payable annually, at the rate of six per centum per annum. Said bonds shall be payable thirty years after the date thereof, and may be redeemable at the option of the said board of trustees after fifteen years from date of same. Said bonds shall be signed by the mayor of said town and countersigned by the recorder thereof, under the corporate seal of said town, and shall be negotiated by the trustees of said town, who are authorized to employ a suitable agent for the purpose, but in no case to be sold at less than the par value of the said bonds. The board of trustees shall have power to provide for the payment of the interest on said bonds and for a sinking fund for the redemption of the same, when due, by a special tax levied sufficient for the purpose, which said tax shall not be applied to any other purpose.

12. The voters of said town shall consist of such as are now duly qualified to vote in the town of Orange, or who shall legally hereafter register for that purpose in the town of Orange.

13. This act shall be in force from its passage.

CHAP. 98.—An ACT to authorize the board of supervisors of Giles county to levy a tax for district school purposes.

Approved January 21, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Giles county, upon the recommendation of the board of school trustees of said county, are hereby authorized and empowered to levy a district school tax in said county, said tax, inclusive of the district school tax now authorized by law, not to exceed thirty cents on every one hundred dollars value of the real and personal taxable property in the several districts of said county; said tax to be collected and disbursed as other district taxes are now collected and disbursed. A different rate of tax may be prescribed for either of the several districts of said county, as the necessities of each may require, when recommended by the district trustees of

said district, and, if at any time there should be a surplus, after paying district expenses, it shall be lawful for the several district boards of trustees asking such increase to use the same for payment of teachers' salaries.

2. This act shall be in force from its passage.

CHAP. 99.—An ACT to authorize the appointment of a physician to the poor of the city of Portsmouth.

Approved January 21, 1896.

1. Be it enacted by the general assembly of Virginia, That the council of the city of Portsmouth may, in its discretion, appoint a physician to the poor for the purpose of giving medical attention to such of the poor inhabitants of said city as the council may determine.

2. The person appointed to said office shall be a regularly licensed physician of not less than two years' experience in the practice of medicine, and a resident of said city.

3. The term and salary of said office shall be as the said council may provide.

4. This act shall be in force from its passage.

CHAP. 100.—An ACT to authorize the council of the city of Portsmouth to issue bonds for school, street, and other improvements in the fifth ward.

Approved January 21, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the council of the city of Portsmouth, in order to build a school-house and to provide for other school purposes, to pave and grade the streets and to do other things for the general improvement in the fifth ward, which was annexed to the city of Portsmouth by an act of the general assembly entitled an act to extend the boundaries of the city of Portsmouth, approved February twenty-third, eighteen hundred and ninety-four; to issue coupon or registered bonds in sums not less than one hundred dollars, to be known as the fifth ward bonds, at a rate of interest to be determined by said council, not to exceed, however, six per centum per annum, payable semi-annually; provided, however, that the whole amount of bonds issued under this act shall not exceed one hundred thousand dollars, of which said sum not more than sixty thousand dollars shall be applied to the paving and grading of the streets, and not more than fifteen thousand dollars shall be applied to school purposes.

2. The said bonds shall be issued in the name of the city of Ports-

mouth, and the said city shall be liable for the payment of the same. They shall be signed by the president of the council and the city treasurer, with the seal of city thereto affixed, attested by the city clerk. The proceeds arising from the sale of the said bonds shall be used for no other purpose than that herein specified, and shall be expended for no other part of the city than the said fifth ward. The said bonds shall not be subject to any taxation whatever by the city of Portsmouth.

3. The bonds issued under this act for paving and grading the streets shall be made payable in ten years after their date, and the said council shall provide for the payment of the same and the interest thereon in the same manner as is provided for other paving bonds of said city at the time of the adoption of this act. All the other bonds issued under this act shall be made payable in thirty years after their date, and the interest thereon, including any interest that may be due on the bonds issued for paving and grading the streets under this act, until the year nineteen hundred and four, shall be entirely paid from the taxes collected from the said fifth ward; for the year nineteen hundred and four, and for all subsequent time during the outstanding of said bonds, the said council shall, for the payment of said interest, levy a special tax upon the whole city or provide for the same out of the general levy. In the issue of the said bonds the council shall at all times take into account the amount of taxes collected from the said ward and its ability to meet the interest therefrom. Nothing herein contained shall be construed as compelling the said council to issue any or all of the said bonds. An account of the bonds issued under this act shall be kept by the city treasurer, who shall annually reserve the necessary amount from the taxes collected from the said ward to meet the semi-annual interest as it becomes due and payable.

4. The council may dispose of the said bonds to the highest bidder therefor, either at public auction or under proposals, to be made public, to said council, or in such other manner as the council may deem expedient; provided, however, if the said bonds bear six per centum interest they shall not be disposed of for less than their par value, and in no case shall the said bonds be disposed of for less than ninety-five per centum of their par value.

5. This act shall be in force from its passage.

CHAP. 101.—An ACT to incorporate the Mary F. Ballentine home for the aged.

Approved January 21, 1896.

1. Be it enacted by the general assembly of Virginia, That Thomas R. Ballentine, C. W. Grandy, Caldwell Hardy, Walter H. Taylor, George Tait, Joseph T. Allyn, J. W. Grandy, McDowell L. Wrenn, W. W. Vicar, and J. G. Womble, and their successors, be, and they are hereby, constituted and made a body politic and corporate, under the

name of "The Mary F. Ballentine home for the aged," with all the rights, powers, and privileges conferred, and subject to all the rules, regulations, and restrictions prescribed under the laws of this commonwealth now in force or which may hereafter be in force for the government of such bodies corporate, so far as the same may be applicable to and not inconsistent with the provisions of this act.

2. The said corporation shall have the power to hold, manage, control, and regulate a home in either the city or county of Norfolk, in this commonwealth, for the support and maintenance of aged or infirm white persons, both men and women, to be selected from time to time by the board of trustees, as hereinafter provided, from the residents or inhabitants of the said city of Norfolk, and of the county of Currituck, in the state of North Carolina; provided, however, that there shall not, at any one time, be more than four such aged or infirm persons in the said home, selected from the residents or inhabitants of the said county of Currituck; and provided, further, that any such aged or infirm persons who may be related by blood to the said Thomas R. Ballentine, down to and inclusive of second cousins, may be selected without reference to their residence at the time of such selection, and that the wife of the said Thomas R. Ballentine, if she should survive her said husband, shall, with the approval of the said board of trustees, be permitted to make her home at the said institution.

3. The said corporation shall have power to take and hold, by gift, purchase, devise, bequest, or otherwise, property, real, personal, and mixed, and to enjoy, invest, sell, transfer, and convey the same, or any part thereof, for its use and benefit; provided, however, that there shall be expended in caring for the inmates of the said home only the interest or income of the estate, real or personal, which may be derived under the will of the said Thomas R. Ballentine, the principal of which shall be kept intact at all times, with power to sell and re-invest the proceeds thereof in other property, real or personal; and provided, further, that the real estate in the said city of Norfolk owned by the said corporation shall not, at any one time, be more than twenty-five acres.

4. The persons named in the first section of this act shall constitute the first board of trustees of the said corporation, and if any of them shall, for any reason, fail or refuse to accept the position of trustee, those who do accept shall fill any vacancy so caused, as hereinafter provided, in case of other vacancies. The said trustees, respectively, shall hold office during life, or until they resign or be removed, or their office be declared vacant in pursuance of the terms of this act.

The said board of trustees shall have full power and authority to manage and control the said home, and also the affairs of the said corporation. They shall have full power and authority to admit or reject applicants for admission to the said home; to adopt rules, regulations and by-laws for its government, and enforce them, and change or alter the same at their pleasure; and to manage all the affairs of the home, financial or otherwise: provided, however, that the said home shall be at all times non-sectarian, and shall not

be managed in the interest of any religious denomination or sect. They shall also have power to elect such officers, from their own number, and employ such agents, as they may deem proper, for the management and control of the affairs of the said corporation; to require of any of said officers or agents bonds, in such penalty as they may prescribe, for the faithful discharge of their duties as such; to fill vacancies in their board which may occur by death, resignation or otherwise, and declare vacancies therein by reason of non-attendance, or for other cause which shall seem to them proper; to provide a common seal; and to make such by-laws for their own government, or for the management, transfer, or conveyance of the corporate property as may be necessary or proper.

5. The said board of trustees shall annually, at the end of each fiscal year, make to the court of law and chancery of the city of Norfolk a report of its transaction of the previous year and of the financial condition of the said corporation, which report the said court shall examine and act on as required by law in the case of fiduciaries. It shall also report any vacancies which may have occurred in the said board, and how the same have been filled. The said court shall at all times have full power to inquire into the affairs of the said corporation, and by its orders and decrees enforce proper accountability on the part of the said board of trustees, or of any of its officers or agents, and to remove any trustee for malfeasance or misfeasance; and in any case in which there shall be a tie vote upon any question before the said board, it shall be the duty of the clerk or secretary of the said board to certify that fact to the judge of the said court of law and chancery, who shall thereupon attend the meeting of the said board, and the vote of the said board shall be again taken upon such question, and if again there be a tie, it shall be the duty of the said judge to give the casting vote, and thereby decide such question.

6. If at any time the said board of trustees shall become entirely vacant, the said court of law and chancery of the city of Norfolk, or the judge thereof in vacation, shall have power to appoint a board of trustees, to be composed of ten members, who shall be residents and freeholders of the city of Norfolk, and the said board of trustees so appointed shall be substituted to all the rights, powers, duties and responsibilities of the said board of trustees provided for in this act.

7. This act may be amended or altered at the pleasure of the general assembly, except as to the name and general objects of the corporation created.

8. This act shall be in force from its passage.

CHAP. 102.—An ACT to amend and re-enact section 57 of the charter of the city of Manchester, and to validate all taxes and assessments in said city made prior to and including the years 1895 and 1896.

Approved January 21, 1896.

1. Be it enacted by the general assembly of Virginia, That section fifty-seven (sub title finances) of an act entitled an act to provide a charter for the city of Manchester, approved March twentieth, eighteen hundred and seventy-four, as amended by an act approved December nineteenth, eighteen hundred and eighty-nine, be amended and re-enacted so as to read as follows:

§ 57. The bonded debt of the city of Manchester shall not at any time be more than twenty per centum of the assessed value of the taxable real estate in the said city. The city council shall, by ordinances adopted for the purpose, establish such sinking funds as in its discretion may be proper in order to provide for the retirement or payment of said city's bonded debt at the maturity of the several series of bonds; the city council shall impose such taxes, and make such assessments as shall be sufficient, with the other ordinary revenues of the city, to pay the interest on the bonded debt and the other ordinary annual expenses of the city; and the latter clause of section fifty-seven having, by inadvertence in drawing the act approved December nineteenth, eighteen hundred and eighty-nine, been left out in said act, be it further enacted that all levies of taxes and assessments heretofore made by the city council of the city of Manchester prior to and including the years eighteen hundred and ninety-five, and eighteen hundred and ninety-six, shall be, and they are hereby, declared valid and legal and binding in all respects upon said city and all persons interested therein and all property affected thereby, and that all acts done and proceedings taken prior to and including the years eighteen hundred and ninety-five and eighteen hundred and ninety-six, under said tax levies or assessments made by the city council or the officers of said city, under the ordinances of said city providing for the levying, assessment and collection of city taxes and assessments, be, and the same are hereby, declared to be legal and binding in all respects whatsoever, and shall have the same full force and effect, both at law and in equity, as they would have had if such inadvertence and mistake had not happened in drawing said act approved December nineteenth, eighteen hundred and eighty-nine, and the said section fifty seven of said charter had been then amended and re-enacted in the same words as the same is hereinbefore set out and amended and re-enacted.

2. This act shall be in force from its passage.

CHAP. 103.—An ACT to repeal an act entitled "An act to provide for the establishment of a high school for Bedford county," approved March 3, 1894.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That the act entitled "An act to provide for the establishment of a high school for Bedford county," approved March third, eighteen hundred and ninety-four, be, and the same is hereby, repealed. But this act shall not be so construed as to deprive the teachers of said high school of the right to collect any money that may be due them on account of services rendered up to the end of the term ending in June eighteen hundred and ninety six, and also the expenses for fuel and other necessary running expenses and the tuition fees by districts. And the school trustees of Bedford county are hereby authorized to pay the said teachers and the expenses aforesaid out of any funds available for that purpose; and if there are no such funds the board of supervisors of Bedford county are hereby authorized and directed to make a levy for purposes aforesaid.

2. This act shall be in force from its passage.

CHAP. 104.—An ACT to amend and re-enact section 13 of the charter of the town of Luray, Va., as amended by an act approved March 5, 1894, authorizing the town council to levy a tax for street and road purposes.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirteen of the charter of the town of Luray, Page county, Virginia, approved February fifth, eighteen hundred and eighty-six, as amended by act approved March fifth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 13. The council of said town may, in its discretion, annually levy a tax not exceeding thirty-five cents on the one hundred dollars of the assessed value of real and personal property within said town, and also a poll-tax not exceeding fifty cents on each male inhabitant over twenty-one years of age; all of which taxes, as well as the license taxes and fines, shall be expended by said council as to it shall seem beneficial to the town; also an additional tax of not exceeding twenty cents on the one hundred dollars of the assessed value of real and personal property in said town, which shall be expended by said council in making and keeping in repair the streets, alleys and roads in said town; provided, however, that a tax of more than fifty-five cents on the one hundred dollars of the assessed value of the real and personal property of the said town may be levied by the said council if deemed desirable by it, and two-thirds of the electors of said town shall declare in favor of the same, after

the matter shall have been submitted to a vote of the town upon a resolution of the said council setting out the purpose of the additional tax and the amount thereof; the manner in which such vote shall be taken to be determined by the said council.

2. This act shall be in force from its passage.

CHAP. 105.—An ACT to incorporate the Norfolk electric light and power company.

Approved January 28, 1896.

1. Be it enacted by the general assembly of Virginia, That Paul K. Browd, B. N. Sperry, George Russell, and Walter H. Taylor, of the city of Norfolk, Virginia, and J. C. Sperry, of the city of Syracuse, New York, or such of them as may accept the provisions of this act, and such other persons as may hereafter be associated with them, their successors and assigns, be, and are hereby, incorporated and made a body politic and corporate under the name and style of Norfolk electric light and power company; and said company shall be invested with all the rights and privileges appertaining to incorporated companies under the laws of this State and the United States, and subject to all restrictions now imposed upon the same by existing laws, or that may hereafter be imposed by the general assembly of the state, and upon the further consideration that the said company shall pay in current money of the United States all taxes and other demands due by it to the state of Virginia.

2. The said company shall have power to supply and furnish the electric current, so far as it may desire, to persons (natural or artificial), as well as to the State and United States, for all purposes for which said electric current may now or hereafter be needful or useful, and to supply electric light and power for public and private uses, also to buy and sell, or otherwise dispose of supplies and appurtenances pertaining to the uses of electricity now known or which may hereafter be invented or discovered.

3. The said company shall have power to erect and maintain poles, wires, mains, and necessary fixtures, for the proper conduct of its business, in and along the streets of the city of Norfolk; provided the consent of the city councils be first obtained, and in and along the county roads and highways; provided the consent of the board of supervisors, and of the county courts of such counties be first obtained, and subject to the fee simple rights of adjacent land-owners therein.

4. The capital stock of said company shall not be less than fifteen thousand dollars, and may be increased from time to time by the stockholders to any amount or amounts, not to exceed, however, the sum of three hundred thousand dollars, and the same shall be divided into shares of the par value of one hundred dollars each. They shall be deemed personal property, and be transferable on the

books of the company in the manner prescribed by the board of directors. The said board of directors may receive cash, labor, material, real and personal property, suited to the business of the company, in payment of subscription to the capital stock. The said stock may be issued as common and preferred stock, and in such proportions, and on such terms, as the directors may determine.

5. The said company shall have power to acquire by donations, or purchase, or condemnation, according to the laws of Virginia, lands required for right of way, stations, and other purposes necessary for the conduct of the business of the company. The amount of real estate held by the said company at any one time shall not exceed twenty acres.

6. It shall be lawful for the said company, and the same is hereby authorized, to borrow, whether the whole amount of capital stock subscribed shall have been paid up and expended or appropriated or not, from time to time, such sum or sums of money as may be necessary for its purposes, and for such loans to issue its notes or bonds payable at such time or times, for such an amount and on such a rate of interest as the board of directors may determine, and secure the payment of the same by a deed of trust or mortgage on all its property, rights, and franchises; provided, however, that the minimum amount of stock shall have been fully paid up.

7. The officers of the said company, shall consist of a president, vice-president, secretary and treasurer, and five or more directors, including the president and vice-president, who shall be ex-officio members of said board, to be elected by the stockholders at the annual meeting. The office of secretary and treasurer may be filled by the same person, who may or may not be selected from among the directors, as the stockholders see fit.

8. The stockholders in general meeting shall make and establish such laws, rules, and regulations, not inconsistent with the laws of the state of Virginia or of the United States, as they may deem proper for the management and control of their affairs and business, and for the government of their officers, agents, clerks, and other employees, which shall be binding on all persons, connected with or in the employment of the company.

9. The first regular annual meeting of the said company shall be held at such time and place as the incorporators, or a majority of them, may determine, and all other annual or special meetings at such time and place and upon such notice as may be prescribed by the by-laws of the company.

10. Subject to the laws, rules, and regulations as adopted by the stockholders, the board of directors shall have the management and control of the business affairs of the company.

11. The general assembly of Virginia reserves the right to alter, amend, or repeal this charter.

12. This act shall be in force from its passage.

CHAP. 106.—An ACT in relation to the New York, Philadelphia and Norfolk railroad company.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That in addition to the powers possessed by the New York, Philadelphia and Norfolk railroad company, it shall and may be lawful for the said company, and it is hereby authorized and empowered, to locate, construct, maintain, and operate a railroad of one or more tracks, commencing at such point within the county of Norfolk or Nansemond, on the waters of the Elizabeth or Nansemond river, or other water-way, as its directors shall determine on as most available, and extending thence by such route as its directors shall designate, approve, and adopt, to, into, and beyond the city of Portsmouth, not exceeding, however, twenty miles in length, so as to enable it to establish stations for passengers and freight traffic in the city of Portsmouth and elsewhere on this extension, and to make deliveries to and exchanges of traffic directly with lines of railroad terminating at either of the cities of Portsmouth or Norfolk, as well as to conduct a general carrying business thereon, with power to locate, construct, and maintain such piers, slips, wharves, stations, sidings, and freight-yards as may in the judgment of its directors be needed to accommodate the demands and necessities of the railroad hereby authorized.

2. That all the provisions of its charter and the several supplements and amendments thereto, shall be applicable to the railroad and appurtenances hereby authorized; and the said company is authorized and empowered to acquire title to and be possessed of all such lands and other property as may be needed for the railroad, and the wharves, piers, slips, stations and sidings, and freight-yards hereby authorized; and when the same shall have been acquired they shall constitute part of the general property and franchises of the said company, and be subject to the liens and provisions of any existing mortgage on its said general property. All the powers now possessed by the said company for obtaining title to real estate, either by purchase or condemnation, may be invoked and exercised to obtain title to the property which may be needed and required for the railroad, its appurtenances, wharves, piers, slips, stations, sidings, and freight-yards by the act authorized.

3. This act shall be in force from its passage.

CHAP. 107.—An ACT to prescribe the times for holding the circuit courts for the First judicial circuit.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That the circuit courts for the several counties and corporations of the First judicial circuit shall be held at the following times in each year :

The county of Norfolk, the second Monday in March and September.

The county of Southampton, the fourth Monday in March and September.

The county of Princess Anne, the first Monday in April and October.

The county of Nansemond, the Tuesday after the second Monday in April and October.

The county of Isle of Wight, the fourth Monday in April and October.

The city of Portsmouth, the first Monday in May and November.

The city of Norfolk, the second Monday in May and November.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 108.—An ACT to enable the supervisors of Hanover county, if they deem it expedient, to construct a road from Chickahominy swamp, between the Mechanicsville and the Richmond and Henrico turnpikes, to the city of Richmond, and to appropriate funds for that purpose out of the county levy of said county of Hanover.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Hanover county be authorized and empowered, if they deem expedient, to construct a public road in the county of Henrico from the Chickahominy swamp, at the point where the dividing line between the lands of W. N. Merryman and W. F. Gaines strikes the said swamp, towards the public roads in Henrico county called Austin avenue, along the route dedicated therefor by the said W. N. Merryman; and for that purpose may appropriate out of the county levy an amount not exceeding one thousand dollars; and in constructing said road shall appoint a commissioner to construct the same, who shall make a report to the said board of the cost of constructing the same, giving a detailed itemized account thereof. The said board shall retain control over the money so appropriated, and shall pay out the same by warrants upon the treasurer of the county, and shall keep a full statement of the money so expended and how expended; all of which shall be spread upon the records.

2. Be it further enacted, That the said road, when so constructed and opened for public travel, shall be kept and maintained by the county of Hanover until it shall be accepted and adopted by the county court of Henrico county, or by the circuit court thereof on appeal, as a public highway, or until said board of supervisors may abandon the same, which abandonment shall be evidenced by an order entered on the minute-book of the board of supervisors of the county of Hanover, and a transmission of a copy of the said order to the board of supervisors of the county of Henrico.

3. This act shall be in force from its passage.

CHAP. 109.—An ACT to incorporate the Italian beneficial and social society of the city of Richmond.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That V. Donati, A. Nardi, P. Gonnella, J. Rocchiccioli, L. Rocchiccioli, A. Gillio, J. Onesty, and S. Rocchiccioli, and such other persons as are now or may hereafter become members of this society, be, and are hereby, made a body politic and corporate by the name and style of the Italian beneficial and social society of the city of Richmond, the object of which shall be to promote social intercourse and dispense charity amongst its members and their families, and by that name shall have perpetual succession and a common seal; may contract and be contracted with, sue and be sued, with power to purchase, receive, and hold, to them and their successors forever, any lands not exceeding two acres in amount, goods and chattels, or to receive such property by gift, grant, bequest, or otherwise, for the beneficial and social purposes of such society, and the said Italian beneficial and social society of the city of Richmond shall have the right to receive from the "Societa di fratellanza benbrolenza faliana" of Richmond, its entire assets, and upon the transfer thereof the said last-named society shall be and become merged into this society, and its members shall be and become members of said society. They shall also have the power to rent, sell, or loan, for the use and benefit of said society any of the property so acquired; provided, however, that the lands, goods, and chattels so authorized to be held shall not exceed in amount and value twenty-five thousand dollars.

2. That the members of said society, or such members thereof as they shall determine to be a quorum for such purposes, shall have the power to make such constitution, by-laws, and regulations for the government of said society and its officers and the execution of its objects, not inconsistent with the laws of this state or of the United States, as they may think proper, and shall have power to require such fees, fines, and contribution from its members as they shall deem proper for the purposes of the said society.

3. The general assembly reserves the right to amend, alter, or repeal this act at pleasure.

4. This act shall be in force from its passage.

CHAP. 110.—An ACT to amend and re-enact section 3211 of the code of Virginia in relation to the remedy by motion for judgment after fifteen days' notice on contracts generally.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-two hundred and eleven of the code of Virginia be amended and re-enacted so as to read as follows:

§ 3211. Any person entitled to recover money by action on any contract, may, on motion before any court which would have jurisdiction in an action, otherwise than under section thirty-two hundred and fifteen, obtain judgment for such money after fifteen days' notice, which notice shall be returned to the clerk's office of such court within five days after the service of the same, and after such fifteen days' notice the motion shall be docketed. In the case of a motion for judgment upon any contract upon which under the rules of pleading, an action of assumpsit would lie, if the plaintiff shall serve the defendant at the same time and in the same manner as the notice is served, with a copy, certified by the clerk of the court to which the notice is returnable, of the account on which the motion is to be made, stating distinctly the several items of his claim, and the aggregate amount thereof and the time from which he claims interest thereon, and the credits, if any, to which the defendant may be entitled; and if the plaintiff file with his notice an affidavit, made by himself, or his agent, stating therein to the best of the affiant's belief the amount of the plaintiff's claim, that such amount is justly due, and the time from which the plaintiff claims interest, judgment shall be rendered by the court in which the motion is made for the plaintiff for the amount claimed in the affidavit filed with his notice, unless the defendant shall allege on oath of himself or his agent that the plaintiff is not entitled, as the affiant verily believes, to recover anything from the defendant on such claim, or state, on such oath, a sum certain, less than that set forth in the affidavit filed by the plaintiff, which, as the affiant verily believes, is all that the plaintiff is entitled to recover from the defendant on such claim. If the defendant shall admit that the plaintiff is entitled to recover from the defendant a sum certain less than that stated in the affidavit filed by the plaintiff, judgment may be taken by the plaintiff for the sum admitted to be due, and the case be tried as to the residue. A motion under this section which is docketed under section thirty-three hundred and seventy-eight, shall not be discontinued by reason of no order of continuance being entered in it from one day to another, or from term to term. This section shall not be construed as intended to affect the remedy by motion given by the preceding section.

2. This act shall be in force from and after its passage.

CHAP. 111.—An ACT to abolish School district No. 8 in the town of Manassas, Prince William county.

Approved January 23, 1896.

Whereas the council of the town of Manassas, on the first day of September, eighteen hundred ninety, by an ordinance declared the territory within the limits of the said town of Manassas a separate school district by the name and title of the school district of the town of Manassas, number eight, under section fourteen hundred and sixty-nine of the code of eighteen hundred and eighty-seven; and

Whereas the said council of the said town of Manassas, on the twenty-third day of July, eighteen hundred and ninety-four, passed an ordinance, repealing the said ordinance enacted on the first day of September, eighteen hundred and ninety, and a doubt arising as to the power of the said council of the said town to repeal the said ordinances passed on the first day of September, eighteen hundred and ninety: therefore,

1. Be it enacted by the general assembly of Virginia, That the said ordinance passed by the council of the said town of Manassas on the first day of September, eighteen hundred and ninety, declaring the territory within the corporate limits of the said town of Manassas the school district of the town of Manassas, number eight, be, and the same is, hereby repealed, and that the said territory embraced within the corporate limits of the said town of Manassas is hereby declared to be a part of the Manassas school district, number five.

2. And be it further enacted, That the trustees of the school district of the town of Manassas, number eight, shall turn over to the trustees of the Manassas school district, number five, all books and papers in their custody as such trustees.

3. And be it further enacted, That the trustees of the Manassas school district, number five, are hereby empowered to collect all moneys levied by the said council of the said town of Manassas for district school purposes for the school district of the town of Manassas, number eight, and the said trustees of Manassas school, number five, are directed, after discharging all debts contracted for district school purposes by the said school district of the town of Manassas, number eight, to turn over the surplus of the said money to the council of the town of Manassas to be used by the said council of the said town for corporation purposes.

4. This act shall be in force from its passage.

CHAP. 112.—An ACT to authorize the circuit court of Clarke county, or the judge thereof in vacation, to appoint an additional commissioner in chancery.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That the circuit court of Clarke county, or the judge thereof in vacation, shall have the power to appoint an additional commissioner in chancery, who shall have all the power conferred by law on commissioners in chancery, and shall in manner of his appointment and the exercise of his duties, powers and privileges conform to the law applicable to commissioners as now appointed.

2. This act shall be in force from its passage.

CHAP. 113.—An ACT to allow William N. Conaut to erect a wharf on Chincoteague bay, in Accomac county.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That William N. Conaut, of Chincoteague, in county of Accomac, be, and he is hereby, authorized and permitted to erect a wharf upon his land on said Chincoteague island, with a water front ninety feet wide and extending thirty feet into the channel of Chincoteague bay, subject to all the laws of the state governing all wharves erected on the waters of the commonwealth; and provided, also, that this act shall at all times be under the control of the general assembly, and be amended or repealed as may be deemed proper.

2. This act shall be in force from its passage.

CHAP. 114.—An ACT to allow S. Wilkins Matthews to erect a wharf on Powell's bay, at Wishart Point, in Accomac county.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That S. Wilkins Matthews, of Accomac county, be, and he is hereby, authorized and permitted to erect a wharf upon his land at Wishart Point, with a water front of one hundred feet wide, and extending thirty feet into the channel of Powell's bay, subject to all the laws of the state governing all wharves erected on the waters of the commonwealth; and provided, also, that this act shall at all times be under the control of the general assembly, and be amended or repealed as may be deemed proper.

2. This act shall be in force from its passage.

CHAP. 115.—An ACT to allow Asher L. Matthews and Benjamin F. Collins to erect a wharf on the Chincoteague bay, in Accomac county.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That Asher L. Matthews and Benjamin F. Collins, of Chincoteague island, in county of Accomac, be, and they are hereby, authorized and permitted to erect a wharf upon their land on said Chincoteague island, with a water front of one hundred and thirty-six feet wide, and extending thirty feet into the channel of Chincoteague bay, subject to all the laws of the state governing all wharves erected on the waters of the commonwealth; and provided, also, that this act shall at all times be under the control of the general assembly, and be amended or repealed as may be deemed proper.

2. This act shall be in force from its passage.

CHAP. 116.—An ACT to allow Elva A. Jefferys to erect a wharf on the Chincoteague bay, in Accomac county.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That Elva A. Jefferys, of Chincoteague island, in the county of Accomac, be, and he is hereby, authorized and permitted to erect a wharf upon his land on the said Chincoteague island, with a water front of one hundred feet wide, and extending thirty feet into the channel of Chincoteague bay, subject to all the laws of the state governing all wharves erected on the waters of the commonwealth; and provided, also, that this act shall at all times be under the control of the general assembly and be amended or repealed as may be deemed proper.

2. This act shall be in force from its passage.

CHAP. 117.—An ACT to amend and re-enact section 3094 of the code in relation to the place where writs of prohibition or mandamus from the Court of Appeals shall issue and be tried.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty hundred and ninety-four of the code be amended and re-enacted so as to read as follows:

§ 3094. Prohibition and mandamus, where issued and tried.—Writs of prohibition or mandamus from the court of appeals shall issue and be tried at any place of session of said court of appeals.

2. This act shall be in force from its passage.

CHAP. 118.—An ACT to allow the voters of Northampton county to vote on a fence law.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the county court of Northampton, or the judge thereof in vacation, within the period of four months after the passage of this act, to submit to the qualified voters of each magisterial district of said county the question as to whether there shall, or shall not, be a fence law in either or all of said magisterial districts in said county; said election to be held and conducted at such time and places and in such manner under the existing election law of the state, as said court or judge may by order prescribe.

2. If it shall appear from the returns of said election, that a majority of the voters in said election in either or all of the said magisterial districts is in favor of a no-fence law, then it shall not be lawful after the first day of January, eighteen hundred and ninety-seven, for the owner or manager of any horse, mule, swine, sheep, goat, or cattle of any description to permit the said animals to run at large beyond the limit or boundaries of their own lands; and if any of the animals enumerated herein shall thereafter be permitted or found going at large upon the lands of any person or persons other than the owner or manager of said animal or animals, shall be liable for all damage or injury done by the said animals to the owner or owners of the crops or lands upon which they trespass, and shall be subject to the provisions of sections twenty hundred and forty-two, twenty hundred and forty-nine, and twenty hundred and fifty of the code of Virginia, whether the said animal or animals wander from the premises of their owners in the district in which the trespass was committed, or from another district in said county.

3. Should it appear from the returns of said election that a majority of the voters thereof in either or all of the magisterial districts of said county is opposed to such a no-fence law, then thirty days after said election all fences within any or all of the said magisterial districts so voting, whether constructed of posts and boards or posts and wire, measuring forty-four inches high, or of mauled rails, measuring four feet high and through which stock cannot pass without breaking or destroying a rail or wire, shall be, and are hereby, declared to be a lawful fence or fences in and for said magisterial district or districts of said county.

4. Before any election as aforesaid shall be held, the judge of the county court aforesaid shall cause the same to be published at least thirty days previous to the holding of such election by causing to be posted hand-bills at each voting precinct of said county.

5. All acts or parts of acts in conflict with this act be, and the same are hereby, repealed.

6. This act shall be in force from its passage.

CHAP. 119.—An ACT to authorize Clifton school district, in the county of Alleghany, to borrow money.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board of school trustees of Clifton school district, in the county of Alleghany, to borrow money, not to exceed the sum of six thousand five hundred dollars, and to issue bonds therefor, to bear interest at a rate not greater than six per centum per annum.

2. That the money so borrowed by said board shall be expended for the purpose of building a suitable and sufficient schoolhouse in the town of Clifton Forge, in the said Clifton school district, in the county of Alleghany, but purchasers of bonds issued pursuant to this act shall not be bound to see to the application of the purchase money.

3. That the said bonds may be either registered or coupon bonds, and of such denominations as the said board shall prescribe, and shall bear interest not to exceed six per centum per annum, payable annually. The principal thereof shall be made payable twenty years after date, with the privilege reserved to the said board of paying and discharging any or all of said bonds at any time after the expiration of five years from their date, paying interest on any bond only to the date of its discharge or payment of its principal.

4. That the said bonds shall be signed by the chairman and attested by the clerk of said Clifton school district and shall have the corporate seal of said district affixed thereto; and the same may be in the following form or to the following effect, to-wit:

§ _____ No. _____

Know all men by these presents, That Clifton school district, in the county of Alleghany, state of Virginia, is justly indebted to _____ or bearer in the sum of _____ dollars, to be paid, at the option of the obligor, at the office of the county treasurer of Alleghany county or at the office of the Covington national bank, or of its successor, twenty years after date, in lawful money of the United States, with interest thereon at _____ per centum per annum from the date hereof until paid, payable annually at the office of said county treasurer or, at the option of the obligor, at the office of the Covington national bank, or of the successor of said bank, upon presentation and surrender of the respective coupons hereto attached (if coupon bonds are used) as they severally become due and payable. This bond is one of a series of _____ bonds issued under an act of the general assembly of Virginia, approved _____, eighteen hundred and ninety-six, for the sum of _____ dollars each, all of which bonds are of the same date and bear the same rate of interest, without any preference of any bond or bonds by reason of priority of issue or for any other cause. This bond may be called in and discharged at any time after five years from its date at the pleasure of the board of trustees of said Clifton school district, by notice, duly mailed by said board or its clerk, or any agent of

board, to the person appearing on the books of said board to be the owner of the same, that the money to pay said bond, and all unpaid interest thereon, that has accrued up to the date of such mailing of such notice and five days afterwards, has been deposited either with the county treasurer of Alleghany county or at the office of the Covington national bank or of its successor.

And after five days from the mailing of such notice this bond shall cease to bear interest, and all coupons hereto attached (if it be a coupon bond), that by their terms respectively become payable after five days from the mailing of such notice, shall be deemed null and void.

In witness whereof the board of school trustees of Clifton school district, in Alleghany county, state of Virginia, has caused the corporate seal of said Clifton school district to be hereunto affixed and these presents to be signed by _____, its chairman, and attested by _____, its clerk, on this _____ day of _____, in the year eighteen hundred and ninety-six.

Chairman Clifton school district.

Clerk Clifton school district.

And to each of said bonds twenty coupons may be attached (if said board shall determine to issue coupon bonds), which coupons may be in substance as follows, to-wit:

§ ____.

Clifton school district, in Alleghany county, state of Virginia, will pay to bearer, at the office of the Covington national bank, or of its successor, on the first day of _____, in the year _____, _____ dollars lawful money of the United States, being one year's interest on bond number _____, _____, chairman.

_____, clerk.

But if said board shall determine not to attach coupons to the bonds provided for in this act, the form of the bonds issued by it may be substantially as herein prescribed, omitting from the face of the bonds all reference to coupons.

5. That when the said bonds shall be issued in accordance with this act, the property of the said Clifton school district, which is composed of Clifton magisterial district, in the county of Alleghany, and is not designated by number, shall be pledged for payment of the principal and interest thereof, according to their tenor and date. And the said board of school trustees shall provide for the payment of the accruing interest, and at least one-twentieth of the principal of said bonds, annually, and shall include in the annual estimate of the amount which will be needed in said district under clause eight, section fourteen hundred and sixty-six of the code of Virginia of eighteen hundred and eighty-seven, a sufficient sum for that purpose, in addition to what shall be necessary to defray other lawful expenses therein mentioned, which sum shall be appropriated to the payment of said interest and provide a fund for the redemption of said bonds.

6. That said bonds may be issued and sold by said board for the purpose of raising said sum of money; provided they shall not be sold for less than their par value.

7. This act shall be in force from its passage.

CHAP. 120.—An ACT to change the corporate name of Jacksonville to Floyd.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That section one of an act to incorporate the town of Jacksonville, in the county of Floyd, approved February nineteenth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the town of Jacksonville, in the county of Floyd, as the same has been or may be laid off into lots, streets and alleys, shall be, and the same is hereby, made a town corporate, by the name of the town of Floyd, and by that name shall have and exercise all the powers conferred upon towns of less than five thousand inhabitants and be subject to the provisions of chapter forty-four of the code of Virginia and acts amendatory thereof, as applicable to such towns, so far as the provisions of the same are not inconsistent with the provisions of this act.

2. This act shall be in force from its passage.

CHAP. 121.—An ACT to prescribe times for holding courts in Fourteenth judicial circuit.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to prescribe the time for holding courts of the Fourteenth judicial circuit, approved February nineteenth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 1. That the circuit courts for the several counties in the Fourteenth judicial circuit shall be held at the following times in each year: Botetourt county, twentieth day of January, twenty-third day of May, and twenty-second day of October; Craig county, *first day of May* and fifteenth day of October; Floyd county, *sixteenth day of April* and sixteenth day of November; Montgomery county, tenth day of May and twenty-sixth day of November; Roanoke county, first day of April and first day of October.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 122.—An ACT to establish a corporation court for the city of Newport News.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That there shall be established for the city of Newport News a corporation or hustings court, to be held by the judge of said city, on the second Monday in each month, for a term not to exceed twenty days in each month, but the judge of said court may from time to time change the day on which said court shall commence; provided that no term shall be held in the month of August.

2. The said court shall have original jurisdiction concurrent with the circuit court of the city of Newport News to hear and determine all cases at law and in chancery, respectively, arising within said city.

3. The said court shall, within the limits aforesaid, have concurrent jurisdiction to hear and determine all motions, matters, and things made cognizable by any statute authorized by law to be done or in the circuit or corporation courts of the commonwealth.

4. The said court shall, within the limits aforesaid, have the same jurisdiction as the circuit courts, and the same jurisdiction as the county courts over all offences committed within said limits and within one mile of the corporate limits of said city, and also such jurisdiction over such offences as is conferred by general law upon corporation courts. The jurisdiction conferred by this section over offences committed within said corporate limits shall be exclusive of all other courts, except that all indictments, presentments, and informations, together with all civil causes, whether the same be motions, warrants removed or appealed, and pending in the county court of Warwick county at the time of the passage of this act, shall be proceeded with in the county court of said county until the same are finally concluded and ended.

5. The said court shall have exclusive original jurisdiction over all matters of probate and record arising within the limits of said city.

6. The said court shall have exclusive original jurisdiction to hear and determine all cases at law and in chancery and over all matters and things which may become the subject matter of suits or proceedings in court arising under the charter of the said city, or other laws relating thereto, and of all cases of contested elections in said city, except so far as is otherwise provided in said charter.

7. The said court, and judge thereof in vacation, shall possess the same jurisdiction and powers and shall perform the same duties as are vested in and imposed upon other corporation courts, and the judge thereof, by any statute relating to corporation courts or by general law.

8. All cases and proceedings at law or in chancery now pending in the circuit court of Warwick county shall be proceeded with in said circuit court until the same are finally concluded or ended,

unless the same shall be removed to said corporation court by consent of parties in interest.

9. The judge of said corporation court shall receive an annual salary of not less than nine hundred nor more than fifteen hundred dollars, to be fixed by the council of the city of Newport News, to be paid monthly out of the treasury of the city of Newport News; provided that said judge shall have the same privileges of practicing law as are conferred by section thirty-one hundred and twenty-nine of the code of eighteen hundred and eighty-seven, on judges of corporation or hustings courts whose salaries do not exceed one thousand dollars; and the said judge shall qualify by taking the oath required by law within thirty days after he receives his commission, said oath to be taken by any notary public or any clerk of any court of record.

10. The said court and the judge thereof shall have the same jurisdiction and powers, and shall perform the same duties in summoning and empanelling grand juries and other juries, civil and criminal, as are now by law vested in and imposed upon the circuit or corporation courts of this commonwealth and the judges thereof.

11. The said corporation court, or the judges thereof in vacation, shall have general control of the rooms necessary for said court and clerk's offices, and shall have the power to procure such stationery, books, records, furniture, and fixtures at such cost as the judge may deem necessary and proper for the use of said court, the same to be paid for by order of the court out of the treasury of the said city, except when otherwise provided.

12. All acts and parts of acts inconsistent with this act are hereby repealed.

13. This act shall be in force from its passage.

CHAP. 123.—An ACT to vest in Charles Park England, Brodie C. Blunt, Joseph C. Gilman, James A. Mallory and C. F. Cross, trustees for Independence Christian church, two acres of land situated in Hanover county.

Approved January 23, 1896.

Whereas the two acres of land situated in Ashland magisterial district, Hanover county, upon which is situated a church building known as Independence, which church is said to have belonged to the established church; and

Whereas the said church was long ago abandoned by its original congregation, and has, as waste and abandoned land, reverted to the commonwealth; and

Whereas this congregation, known and called the Independence Christian church, has now for more than thirty years been worshipping in said church, and has for that time had exclusive control and occupancy of the said church, and have kept the building in repair; and

Whereas the said building is now in need of repair, and indeed should be rebuilt, which the said congregation are desirous of doing, but deem it unwise to do so until they have the legal title to the land upon which it stands—

1. Be it enacted by the general assembly of Virginia, That the legal title to the said two acres of land upon which the said Independence meeting-house now stands, situated in Ashland magisterial district, Hanover county, be, and the same is hereby, vested in Charles Park England, Brodie C. Blunt, Joseph C. Gilman, James A. Mallory and C. F. Cross, and their successors, trustees for the Independence Christian church of Hanover county, Virginia.

2. This act shall be force from its passage.

CHAP. 124.—An ACT to authorize the board of supervisors of Botetourt county to compromise a suit against E. J. McCulloch, late treasurer of said county and Jacob Bierley and others, sureties on his official bonds.

Approved January 28, 1896.

Whereas there is a suit pending in the circuit court of Botetourt county under the name and style of M. S. Cahoon, treasurer of Botetourt county, against E. J. McCulloch, late treasurer of said county, and Jacob Bierley and others, sureties on his official bond, and a doubt being suggested as to the liability of the said sureties for the amounts of the several funds for which the suit was entered against them: therefore,

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Botetourt county, be, and they are hereby, authorized and empowered, if deemed proper by it so to do, to compromise said suit, whether the claim of said county be for district or county public free school funds, or railroad, county road, or general county funds, in such manner or amount or amounts, and to be paid at such time or times, as to the said board may seem best and most advantageous for the said county.

2. This act shall be in force from its passage.

CHAP. 125.—An ACT to require sheriffs and sergeants of the counties and cities of this state to report to the courts of their respective counties and cities the number of prisoners confined in their respective jails.

Approved January 28, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the respective sheriffs and sergeants of the counties and cities of this state, on the first day of each term of the county

and corporation courts, to make a report to the judge thereof showing the number of prisoners in jail on that day, which report shall show the name, date of commitment, offence, and sentence of each prisoner, and said report shall be entered on the order book of the said court.

2. This act shall be in force from its passage.

CHAP. 126.—An ACT to amend and re-enact an act entitled an act to incorporate the Bridgewater and forge granite and lumber company, approved March 3, 1892, as amended by an act approved January 22, 1894, and to amend the title thereto, so as to read the Fredericksburg lumber and granite company.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to incorporate the Bridgewater and forge granite and lumber company, approved March three, eighteen hundred and ninety-two, as amended by an act approved January twenty-two, eighteen hundred and ninety-four, be amended, and re-enacted so as to read as follows:

Be it enacted by the general assembly of Virginia, That W. R. Brown and Charles R. Sickels, Phillip Carpenter, W. F. Ficklen and J. B. Ficklen, W. A. Little, Jr., and W. S. White, or such of them as may accept this act, be, and are hereby, constituted a body corporate, under the name and style of the Fredericksburg granite and lumber company, and under that name have perpetual succession and a common seal, which they may amend or alter at pleasure; shall sue and be sued, implead and be impleaded, contract and be contracted with, and have and exercise all the powers and privileges of a corporation granted by the general laws of the commonwealth not inconsistent with this act.

2. The capital stock of this company shall not be less than twenty-five thousand dollars nor more than five hundred thousand dollars, in shares of one hundred dollars each, and the directors may receive real and personal property or services in payment of subscriptions at such valuations as may be agreed upon.

3. The said company is authorized and empowered to purchase, hold, own, lease and control in any manner, grant, bargain, sell, mortgage, convey and otherwise dispose of any real or personal estate or standing timber in this state or elsewhere; provided said company shall not hold more than two thousand acres of land in any one county at the same time; and to lay out said lands or any part thereof into parcels or lots of convenient size, with intervening roads, streets, lanes and alleys, and develop, work, improve, cultivate, or otherwise use or dispose of same in such manner and upon such terms as the company may think proper.

4. The said company is authorized and empowered to mine and quarry any stone or mineral substance, and to prepare and manufac-

ture the same for use and sale in all manner of forms it may adopt; and to manufacture and prepare for market and sell timber, wood, and stone, and all other raw materials, mineral or vegetable, and for this purpose may erect and operate all kinds of mill-works, furnaces, coke-ovens, and machinery of any and every description, for the enjoyment of the privileges herein granted to the fullest and most ample extent.

5. And it shall be lawful for said company to construct and operate one or more railroads, not exceeding fifty miles in length, from any of their properties in the state of Virginia to any point on the Rappahannock and Potomac rivers, the Virginia midland and the Richmond, Fredericksburg and Potomac railroads, or on the line of any other railroad hereafter to be built, which may pass through the counties of Spotsylvania, Stafford, Orange, Culpeper and Fauquier, and for these purposes the said company is authorized to acquire the right of way, by purchase or otherwise, according to the laws of Virginia, and also to acquire in like manner all such lands as may be necessary for the complete equipment and construction of its roads, stations, locks and dams; and the said company shall have power to consolidate, lease out or connect its railways or canals with any line of railway now or hereafter constructed in the aforesaid counties.

6. The said company may issue bonds at such times, and for such amounts, as it may deem proper, either for the purpose of developing its property and facilitating its business, or constructing a railroad, and may execute mortgages on any part or all its property and franchises, and upon its railroads, to secure the payment thereof.

7. The above named corporators shall be directors for the first year, and shall select a president and appoint a secretary and treasurer, and the board shall have power to manage and control the affairs of the company, and to adopt such by-laws and regulations as may be enacted by the stockholders, and the time, place and manner of holding meetings of stockholders, and the mode of conducting the business, shall be fixed by the by-laws.

8. The board of directors may establish offices and agencies at such places as they deem proper, but the principal office of the company shall be located at Fredericksburg, Virginia.

9. No stockholder in said company shall be held or made responsible for its debts or liabilities in a larger sum than the amount of any unpaid balance due the said company for stock subscribed by the said stockholder.

10. All taxes due the commonwealth by the said company shall be paid in lawful money of the United States, and not in coupons.

11. This act shall be in force from its passage, but the general assembly of the state of Virginia reserves the right to modify, alter, or repeal this act at any time hereafter.

CHAP. 127.—An ACT for the protection of sheep in the county of Hanover by making the owner, or other person in whose control or about whose house a dog usually stays, liable to the owner of sheep killed, maimed or worried by such dogs, for damages for such killing, maiming or worrying.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That when any inhabitant of the county of Hanover shall have any sheep killed, maimed, or worried by any dog, the owner or other person in whose possession or under whose control the said dog is, at the time of such killing, maiming, or worrying, or about whose house the said dog usually stays, shall be liable jointly and severally, to pay to the owner of said sheep so killed, maimed, or worried, damages therefor to be recovered by the usual legal remedies; provided, however, that the said damages shall not exceed the assessed value of the said sheep.

2. This act shall be in force from its passage.

CHAP. 128.—An ACT giving a defendant in any case of misdemeanor the right to waive trial by jury.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That in the trial of any misdemeanor case the defendant shall have the right to waive a trial by jury, and submit all matters of law and fact for trial to the court. Such waiver shall be entered of record.

2. This act shall be in force from its passage.

CHAP. 129.—An ACT to amend and re-enact section 605, code of Virginia, 1887, entitled "Treasurers to return lists of uncollected taxes and delinquents."

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That section six hundred and five of the code of Virginia, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 605. Treasurers to return lists of uncollected taxes and delinquents.—The treasurer, after ascertaining which of the taxes and levies assessed in his county or city cannot be collected, shall, not later than the first day of July in each year, make out lists of three classes, to-wit: First, a list of property on the commissioner's land-book improperly placed thereon, or not ascertainable, with the amount of taxes and levies charged on such property; secondly, a

list of other real estate which is delinquent for the non-payment of the taxes and levies thereon; and thirdly, a list of such of the taxes and levies so assessed, other than on real estate, as he is unable to collect.

2. This act shall be in force from its passage.

CHAP. 130.—An ACT to amend and re-enact section 2823 of chapter 130 of the code of Virginia, 1887, in relation to interest.

Approved January 23, 1896

1. Be it enacted by the general assembly of Virginia, That section two thousand eight hundred and twenty-three of chapter one hundred and thirty of the code of Virginia be amended and re-enacted so as to read as follows:

§ 2823. Excess over legal interest may be recovered back.—If an excess beyond the lawful interest be paid in any case, the person paying the same may, in a suit brought within one year thereafter, recover it from the person with whom the contract was made or to whom the assurance was given; and it may be so recovered from such person, notwithstanding the payment of the excess be made to his endorsee or assignee; but where a bank or private individual has loaned money at a greater rate of interest than six per centum per annum, and permits the maker of the note to renew the same at the rate of six per centum per annum, the maker and endorsers shall be barred from the plea of usury, after twelve months from date of renewal.

2. This act shall be in force from its passage.

CHAP. 131.—An ACT to amend and re-enact an act entitled an act to amend and re-enact section 622 of the code of Virginia, in reference to the property that may be distrained for taxes, approved January 15th, 1890, approved March 2, 1892.

Approved, January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That section six hundred and twenty-two of the code of Virginia, as amended by the acts approved January fifteenth, eighteen hundred and ninety, and March second, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 622. Any goods or chattels in the county or corporation belonging to the person or estate assessed with taxes or levies may be distrained therefor by the treasurer, sheriff, sergeant, constable or collector. In all cases property subject to levy or distress shall be liable to levy or distress in the hands of any person for the taxes thereon; and any timber or wood growing on the land belonging to

the person or estate assessed with taxes or levies may be distrained and sold, so far as necessary, to pay the amount thereof and expenses of sale; or any farming or grazing lands may be rented for one year publicly after giving thirty days' notice, posted at the door of the court-house and at three or more public places in the neighborhood where such land is situated, or such quantity or part thereof as shall be sufficient to satisfy the taxes and levies thereon; provided the lessee will pay sufficient amount in cash to discharge the taxes due on said land, and the treasurer shall put the lessee in possession, and any purchaser or reuter shall have the right to cut and carry away the timber purchased by him at such sale, and to have the right to attend and remove any and all crops he may raise upon any land rented; provided that the timber or wood shall be sold standing in the manner prescribed by section nine hundred and six of the code for the sale of goods and chattels, other than mules, oxen and horses; and provided, further, that no purchaser in carrying away timber or wood shall haul the same across or over any land occupied at the time by the growing crop.

2. This act shall be in force from its passage.

CHAP. 132.—An ACT to incorporate the Salem and Blacksburg electric railway company.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That J. W. F. Allemong, E. P. Wilson, C. P. Kanode, J. C. Langhorne, James Chalmers, D. B. Strouse, M. W. Bryan, T. J. Shickel and S. D. McCommon, or such of them as may accept the provisions of this act, and such other persons as may hereafter become associated with them in the manner hereafter provided, shall be, and they are hereby, constituted a body corporate by the name of the Salem and Blacksburg electric railway company, and by that name shall have all powers, rights and franchises necessary and proper to construct, equip and maintain a railroad of standard guage, with single or double track, commencing at the town of Salem, Roanoke county, Virginia, and running thence by the most practical and eligible route deemed advisable by the board of directors of the said company, to the town of Blacksburg; and it shall be lawful for said company to construct, operate and maintain lateral or branch roads of standard gauge, not exceeding twenty miles each, which shall have all the rights and powers, and be subject to the same restrictions as the main line. And said company shall carry passengers, freight, baggage, express, and the United States mail, and collect tolls and fares for same.

2. The said company is also empowered and authorized to erect, equip, maintain and operate electric light, heat and power plants, also telephone lines which may be necessary for the use of the com-

pany, and erect and maintain poles and wires for their use and distribution.

3. The said company shall have the power to borrow money and to make, issue and sell its bonds from time to time on such terms as the board of directors may deem proper and necessary; and to secure the payment of such loan or loans, or its said bonds, the said company may make and create one or more mortgages, or deeds of trust on the whole or any part of its property, charter rights or franchises.

4. The said company may receive subscriptions to its capital stock, to be paid in money or in lands, property, material and equipments, at such valuation and upon such terms as may be agreed upon by the board of directors and the subscribers. And said company may hold, improve, sell or convey at pleasure all lands so acquired. It shall be also lawful for said company to acquire, hold, operate, sell or convey coal or other mining properties, or any interest therein, whenever the board of directors deem it to the interest of the company to do so; provided that the said company shall not have the right to hold at one time more than ten thousand acres of land in this state.

5. Any county, city or town, on or near the line of railroad of said company, may subscribe to its capital stock in the mode prescribed by law.

6. The said company shall have power to cross with its road at grade, over or under any other railroads now constructed, or which shall hereafter be constructed within the state, at any point on its route, subject to the provisions of the general law of this state, unite its roads with any other railroads in this state, and to construct the necessary turnouts, sidings, switches and conveniences in furtherance of the object of its construction and traffic between the respective roads.

7. It shall be lawful for the said company to acquire by lease, donation, purchase or condemnation, according to the laws of Virginia, land for right of way for tracks, stations and other purposes, necessary for the successful construction and operation of its roads through any of the counties through which it is authorized to construct its lines, and to erect the necessary poles and wires thereon for electrical purposes.

8. The said company in building its roads may cross at grade, over or under any turnpike, by maintaining proper approaches and crossings thereon.

9. The said company may operate its line or lines of railway by electricity or other motive power, except steam, as the board of directors may select.

10. The capital stock of the company shall be three hundred thousand dollars, and may be increased, from time to time, as the board of directors may authorize. The shares shall be fifty dollars each, and each share shall be entitled to one vote in a meeting of the stockholders. And it shall be lawful for the persons hereinbefore named, or any five of them, to organize the company by the election of a president and board of directors, and such other officers as may be necessary, and thereupon they shall have and exercise all the general powers

and functions of a corporation, and be subject to all the restrictions imposed by the laws of the state applicable to internal improvement companies, except so far as the same may be changed or modified by this act, but the said company shall not commence with the construction of the said road until there is subscribed by individuals or corporations at least the sum of twenty thousand dollars, and at least ten per centum thereof actually paid in.

11. The said company, by its name, may sue and be sued, plead and be impleaded unto, in any court of law, or equity in the state, or elsewhere when its rights may come in question; may have and use a common seal, which may be adopted by the board of directors.

12. The said company may lease its line of railway and other property, and it may merge and consolidate with any connecting railroad or railway company upon such terms as may be agreed upon by the contracting parties, with the approval of a majority of their stockholders, and may adopt another name for the consolidated company, or it may sell its franchises, railway and other property to such connecting railway company, upon such terms as may be agreed upon by both parties, full authority and power being hereby given to it, and to such other company or companies to make and carry out such contracts as will facilitate and consummate such union, merger or consolidation, or any lease or sale; provided that a copy of any such contract of union, consolidation, merger, lease or sale, be filed in the office of the board of public works.

13. All assessments, taxes, dues and demands, due to the commonwealth of Virginia, shall be paid in lawful money of the United States, and not in coupons.

14. The work on the road hereby authorized to be constructed must commence within two years, and be completed within three years from the passage of this act.

15. The principal office of the said company shall be at Salem, Virginia, but the meetings of the board of directors or of the stockholders may be held elsewhere within the state of Virginia, as the board of directors or of the stockholders in general meeting may determine.

16. This act shall be in force from its passage.

CHAP. 133.—An ACT, extending further time to the town of Iron Gate for the collection of unpaid taxes due said town.

Approved January 28, 1896.

1. Be it enacted by the general assembly of Virginia, That the town of Iron Gate be, and it is hereby, allowed one year from the passage of this act to collect any unpaid taxes due said town for the years eighteen hundred and ninety, eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, eighteen hundred and ninety-four, and eighteen hundred and

ninety-five. And the council of said town may place the tickets for said taxes in the hands of a collector, appointed by said council, that the same may be collected by him; and the said collector shall have the same powers in collecting said taxes as is given by sections six hundred and twenty-two, six hundred and twenty-three, and six hundred and twenty-seven of the code of Virginia to the officers named in said sections.

2. This act shall be in force from its passage.

CHAP. 134.—An ACT to authorize Thomas W. Shelton, deputy treasurer of Patrick county, to collect taxes due for the year 1892.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That Thomas W. Shelton, deputy treasurer of Mayo district, Patrick county, Virginia, be, and he is hereby, authorized to collect by levy and sale all taxes remaining due and unpaid for the year eighteen hundred and ninety-two, in said district, which have been accounted for by said Thomas W. Shelton, deputy treasurer. The power to levy and sell for said taxes shall exist one year from the passage of this act.

2. This act shall be in force from its passage.

CHAP. 135.—An ACT to empower George Booker to erect a pavilion in Hampton Roads, in the county of Elizabeth City, and connect the same by a bridge or walkway with the Sherwood hotel, in said county.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That George Booker be, and he is hereby, empowered to erect a pavilion below ordinary low-water mark in Hampton Roads, in the county of Elizabeth City, between the Chesapeake and Ohio railway bridge at Old Point, Virginia, and the Sherwood hotel, owned by the said George Booker, and to connect the said pavilion with the said hotel by a bridge or walkway; provided that the said pavilion and bridge or walkway shall not obstruct navigation, nor shall it be erected nearer than fifty feet of the said Chesapeake and Ohio railway bridge; and provided, further, that any structure built or erected under this act shall be subject to taxation for federal, state and county purposes.

2. This act shall be in force from its passage.

CHAP. 133.—An ACT to enable the rector and visitors of the University of Virginia to repair the loss sustained by that institution by the fire of October 27, 1895.

Approved January 23, 1896.

Whereas the principal buildings of the University of Virginia were nearly destroyed, and many thousand volumes of its library, together with much valuable furniture, apparatus, and other of its property totally destroyed, by the fire of October twenty-seventh, eighteen hundred and ninety-five; now, therefore, for the purpose of restoring the university to its original efficiency by repairing the old buildings or erecting new, and by providing necessary books, apparatus, and furniture:

1. Be it enacted by the general assembly of Virginia, That the rector and visitors of the University of Virginia be, and they are hereby, authorized at any meeting at which a majority of said visitors shall be present, to borrow money, and to issue bonds therefor, to an amount not exceeding two hundred thousand dollars, either registered or with coupons for interest, or in part of one class and in part of the other, and convertible from one class into the other at the pleasure of the holder, in sums of one hundred dollars, or any multiple thereof, bearing date on some day in the year eighteen hundred and ninety-six, payable forty years after date, with interest from date at a rate not exceeding six per centum per annum; but containing on their face the reservation of right to the said rector and visitors to pay the whole or any part of said bonds at any time after ten years from their date.

2. The bonds authorized hereby to be issued shall be exempt from taxation in any manner by the state of Virginia, or by any county, city, town, or other corporation exercising powers of taxation under the authority of this commonwealth.

3. For the purpose of securing payment of said bonds, the said rector and visitors are hereby authorized to convey by deed of trust all the property belonging to or held to the said university, subject to any previous pledge thereof which has heretofore been made.

4. The sum of ten thousand dollars per annum, in addition to the forty thousand dollars provided for by section fifteen hundred and fifty-four of the code of Virginia, shall be paid to the rector and visitors of the University of Virginia, in equal semi-annual installments, at such times as they may fix. The said sum of ten thousand dollars per annum shall be used by the said rector and visitors for the sole purpose, and no other, of paying the interest as it shall accrue on the bonds authorized by this act to be issued, and of providing a sinking fund for the payment of the principal thereof.

5. This act shall be in force from its passage.

CHAP. 137.—An ACT to amend and re-enact an act entitled “An act to amend and re-enact sections 7, 17, and 18 of an act approved February 20, 1892, entitled an act to provide for the settlement of the public debt of Virginia not funded under the provisions of an act entitled an act to ascertain and declare Virginia’s equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and the regular and prompt payment of interest thereon, approved February 14, 1882, and to provide for carrying the same into effect, approved January 31, 1894,” and providing the time from which bonds issued under this act after March 31, 1896, shall carry interest.

Approved January 23, 1896.

Be it enacted by the general assembly of Virginia, That the act approved January thirty-first, eighteen hundred and ninety-four, entitled “an act to amend and re-enact sections seven, seventeen, and eighteen of an act approved February twentieth, eighteen hundred and ninety-two, entitled an act to provide for the the settlement of the public debt of Virginia not funded under the provisions of an act entitled an act to ascertain and declare Virginia’s equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and the regular and prompt payment of interest thereon, approved February fourteenth, eighteen hundred and eighty-two, and to provide for carrying the same into effect, be amended and re-enacted so as to read as follows:

Whereas it has come to the knowledge of this general assembly, through the officers charged with the exchange and funding of outstanding obligations of the state under the provisions of an act to provide for the settlement of the public debt of Virginia, and so forth, approved February twentieth, eighteen hundred and ninety-two, that holders of a portion of the unfunded debt, some of whom are residents of the state and others residents of foreign countries, were barred from accepting the provisions of said act, approved February twentieth, eighteen hundred and ninety-two, by reason of circumstances beyond their control, and who now desire to accept the terms as provided in said act, and it is believed that equitably they should be permitted to do so; and,

Whereas the terms of settlement of the debt of the state having been proposed by her creditors, it is deemed just to adhere to the provisions of the act approved February twentieth, eighteen hundred and ninety-two, except as hereinafter provided; and,

Whereas it is the earnest desire of the general assembly to finally dispose of the debt question without inflicting any wrong upon the creditors of the state, either at home or abroad, but declaring the adherence of the state to the terms of the act of February twentieth, eighteen hundred and ninety-two, as modified by this act, which should be taken as a final settlement of the state with her creditors: therefore,

1. Be it enacted by the general assembly of Virginia, That sections seven, seventeen, and eighteen of an act entitled an act to provide for the settlement of the public debt of Virginia not funded under the

provisions of an act entitled "an act to ascertain and declare Virginia's equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and the regular and prompt payment of interest thereon," approved February fourteenth, eighteen hundred and eighty-two, approved February twentieth, eighteen hundred and ninety-two, shall be amended and re-enacted so as to read as follows:

§ 7. The commissioners of the sinking fund are hereby authorized and required to receive on deposit for verification, classification and exchange, such of the said obligations of the state as may be presented to said commissioners; the said verification and exchange for the new bonds of the obligations so deposited to be conducted in the same manner as hereinbefore provided with respect to the obligations deposited with the said bondholders' committee; and the said commissioners of the sinking fund shall issue to and distribute amongst said depositing creditors, after they have fully complied with the terms of this act in exchange for the obligations so deposited, bonds authorized by this act, as follows, namely: To each of the several classes of said depositing creditors the same proportion as the same class receive under the distribution made by the commission for the creditors represented by the bondholders' committee; provided that no obligations shall be received for such deposit after the thirty-first day of March, eighteen hundred and ninety-six, nor shall any coupon bonds be received which do not have attached thereto all the coupons maturing after July first, eighteen hundred and ninety-one; but for any such coupons as may be missing, coupons of like class and amount, or the face value thereof in cash, may be received; the said cash, if paid, to be returned if proper coupons are subsequently tendered; and each depositor shall, when he receives his distributive share of the said new issue of bonds, pay to the commissioners of the sinking fund three and one-half per centum in cash of the par value of the bonds received by him, and said sinking fund commissioners shall cover the fund thus received into the treasury of the commonwealth.

§ 17. The commissioners of the sinking fund are authorized, if it shall seem to them for the best interest of the commonwealth, to make one extension of the time for the funding of the outstanding evidences of debt due by the commonwealth not heretofore funded under said act of February fourteenth, eighteen hundred and eighty-two, and February twentieth, eighteen hundred and ninety-two, for a period not extending beyond December thirty-first, eighteen hundred and ninety-six.

§ 18. The commissioners of the sinking fund are authorized to exchange coupon bonds of the state issued under act of February twentieth, eighteen hundred and ninety-two, into registered bonds, and vice versa, and to arrange for the transfer of registered bonds. For every bond so issued in exchange a fee of fifty cents shall be charged by and paid to the second auditor, and shall, upon his order, be covered into the treasury to the credit of the sinking fund, and bonds so taken in exchange shall be cancelled in the manner hereinbefore prescribed.

2. The bonds issued hereunder may be the same heretofore engraved under the provisions of said act of February twentieth, eighteen hundred and ninety-two, and in the same form as prescribed in said act, and the plates for the engraving of said bonds under act of February twentieth, eighteen hundred and ninety-two, may be used by the commissioners of the sinking fund in the preparation of bonds to be issued hereunder, and all bonds thus issued shall be in all respects valid.

3. All bonds issued under the provisions of this act after March thirty-first, eighteen hundred and ninety-six, shall carry interest from the semi-annual period next preceding the date of funding.

4. The commissioners of the sinking fund are hereby authorized to advertise for the reception of bonds for exchange under the provisions of this act in such financial centres as they may deem best.

5. This act shall be in force from its passage.

CHAP. 138.—An ACT to permit certain county officers of the county of Warwick, who have been named and designated in a bill to incorporate the city of Newport News, in the county of Warwick, for the like offices for the city of Newport News, to serve as such until the 1st day of July, 1896, and until their successors are duly elected and qualified.

Approved January 23, 1896.

Whereas by section three of a bill to incorporate the city of Newport News, in the county of Warwick, in the state of Virginia, J. K. M. Newton, attorney for the commonwealth for the county of Warwick, in the state of Virginia; James M. Curtis, treasurer of the said county; D. G. Smith, clerk of the said county; and E. W. Milstead, sheriff of the said county, have been named and designated to fill the like offices in the said city of Newport News, until the first day of July, one thousand eight hundred and ninety-six, and until their successors are duly elected and qualified: now, therefore,

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for J. K. M. Newton, attorney for the commonwealth of the county of Warwick, in the state of Virginia; James M. Curtis, treasurer of the said county; D. G. Smith, clerk of courts of said county; and E. W. Milstead, sheriff of the said county, to hold the like offices, to-wit: Attorney for the commonwealth, treasurer, clerk of courts, and sergeant of the city of Newport News, in the said county of Warwick, until the first day of July, one thousand eight hundred and ninety-six, and until their successors are duly elected and qualified, and to perform the respective duties and functions of said offices during the period aforesaid as well for the said city as the said county.

2. All acts and parts of acts inconsistent herewith are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 139.—An ACT to incorporate Basic City, Bridgewater and Piedmont railway company.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That J. E. Sanger, J. E. Delaplaine, J. T. Lightner, W. H. Page, E. P. Wilson and J. S. Runciman and their associates, successors and assigns, be, and they are hereby, made and declared a body politic and corporate, by the name and style of Basic City, Bridgewater and Piedmont railway company.

2. The capital stock of said company shall be five hundred thousand dollars, divided into shares of fifty dollars each, and may from time to time be increased by the board of directors to any amount not exceeding five million dollars.

3. The said Basic City, Bridgewater and Piedmont railway company is authorized and empowered to locate, construct, equip and operate a railroad of standard gauge with single or double track, commencing at or near the Chesapeake and western railway, in Rockingham county, Virginia, and running thence by the most practical and eligible route deemed advisable by the board of directors of the said company to a point at or near James river, in Nelson or Amherst county, Virginia; and it shall be lawful for said company to construct, operate and maintain lateral or branch roads of standard gauge, not exceeding twenty-five miles each, which shall have all the rights and powers and be subject to the same restriction as the main line. And said company may carry passengers, freight, baggage, express, and United States mail, and collect tolls and fares for same.

4. The said company is also empowered and authorized to erect, equip, maintain and operate electric lights, heat and power plants for their own use, also telephone lines for their own use, and erect and maintain poles and wires for their own use, distribution and operation.

5. The said company shall have power to borrow money and to make, issue and sell its bonds from time to time on such terms as the board of directors may deem proper and necessary; and to secure the payment of such loan or loans on its said bonds, the said company may make and create one or more mortgages or deeds of trust on the whole or any part of its property, charter rights or franchises.

6. The said company may receive subscriptions to its capital stock, to be paid in money or in land, property, material and equipment, at such valuation and upon such terms as may be agreed upon between the board of directors and the subscribers, and may exchange its bonds for lands, property and material and equipment at such valuation and upon such terms as may be agreed upon between the board of directors and the parties making such exchange; and the board of directors, if they deem it proper and to the interest of the company to do so, may sell its stock below its par value, and when the price at which it is sold is fully paid the stock so sold

shall be treated as fully paid up, and shall be non-assessable; and any person or persons who have expended labor or money on the surveys or preliminary work done on said road before the organization of the said company may be paid therefor in such manner by the board of directors as they may deem proper; and said company may hold, improve, sell or convey at pleasure all lands so acquired; provided that said company shall not hold lands not needed for its purposes of incorporation for a longer period than twenty years.

7. Any county, city or town on or near the line of railroad of said company, or any branch thereof, may subscribe to its capital stock in the mode prescribed by law.

8. The said company shall have power to cross with its road at grade, over or under any other railroad now constructed, or which shall be hereafter constructed within the state, at any point on its route, subject to the provisions of the general law of this state; unite its road with any of said roads, and to enter upon the grounds of such railroad company with the necessary turnouts, sidings, switches and conveniences in furtherance of the objects of its construction, as well as facilitate the exchange of passengers and traffic between the respective roads; provided that the acquisition of any of the real estate of another company shall be in the manner prescribed by the laws of this state.

9. It shall be lawful for the said company to acquire by lease, donation, purchase or condemnation, according to the laws of Virginia, land for right of way for tracks, stations, and other purposes necessary for the successful construction and operation of its roads through any of the counties through which it is authorized to construct its lines, and to erect the necessary poles and wires thereon for electrical purposes.

10. The said company, in building its road, may cross at grade, over, or under any turnpike, by maintaining proper approaches and crossings thereon.

11. The said company may operate its line or lines of railway by electricity, steam or other motive power, as the board of directors may select.

12. The corporators herein named shall have all the powers of a president and board of directors for the purpose of the organization of the said company, and for all other purposes, until a president and board of directors shall have been elected at a stockholders' meeting, and said meeting shall be held, upon due notice being given in the manner provided by law for the holding of stockholders' meetings, by section eleven hundred and fourteen of the code, with this qualification, that the notice of the meeting must be published in a newspaper printed in or near the town of Basic City, Virginia, and until such stockholders' meeting is held the said corporators shall constitute the board of directors, and shall elect one of their number president, to hold office until his successor is elected; and they may elect a secretary and treasurer and any other officers deemed necessary from their number or other persons. When one hundred thousand dollars of the capital stock of said company shall have been subscribed, and ten per centum of same paid in, the or-

ganization of said company shall be considered to have been effected. In case of any vacancies in the board of directors caused by death or resignation of any of the directors, such vacancy or vacancies may be filled by the remaining directors of the board.

13. The said company, by its name, may sue and be sued, plead and be impleaded unto any court of law or equity in this state or elsewhere, when its rights may come in question; may have and use a common seal, which may be adopted by the board of directors, and the same use, renew, or destroy at pleasure.

14. The work on the road herein authorized to be constructed must commence within two years and be completed within five years from the passage of this act.

15. The principal office of the said company shall be at Basic City, Virginia, but meetings of the board of directors, or of the stockholders, may be held elsewhere in the state of Virginia, as the board of directors or of the stockholders in general meeting may respectively determine.

16. All assessments, taxes, dues, and demands due to the commonwealth of Virginia shall be paid in lawful money of the United States, and not in coupons.

17. This act shall be in force from its passage.

CHAP. 140.—An ACT to amend and re-enact an act entitled an act for the protection of fish in Bland, Tazewell, and Smyth counties.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That sections one, three, and four of an act entitled an act for the protection of fish in Bland, Tazewell, and Smyth counties, approved February twelve, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person knowingly and intentionally to kill or injure any fish by the use of dynamite or any other explosive or poison thrown or placed in any of the waters of Tazewell and Smyth counties.

§ 3. It shall be unlawful for any person to so locate their steam saw-mills in the counties of Tazewell and Smyth that the sawdust therefrom shall fall into and pollute the streams.

§ 4. It shall be unlawful for any person to take or catch fish by means of seine or traps in any of the waters of Tazewell and Smyth counties, and for four years after the United States fish commission shall have placed in the south fork of Holston river, or its tributaries, California trout, or other fish for the stocking of said streams, it shall be unlawful to take from said streams or destroy in any way any of such fish or their increase, within the limits of Smyth county.

2. This act shall be in force from its passage.

CHAP. 141.—An ACT to approve, ratify and confirm the charter of the Grand order of the peace and light society of King George county, Virginia, which charter was granted in vacation by the judge of the circuit court of King George county on the 4th day of October, 1894.

Approved January 23, 1896.

Whereas on the fourth day of October, eighteen hundred and ninety-four, the judge of the circuit court of King George county, in vacation, granted a charter incorporating the Grand order of the peace and light society of King George county, Virginia, which charter so granted is in words and figures following—Virginia:

In vacation of King George circuit court, the fourth day of October, eighteen hundred and ninety-four.

First. Whereas there has existed for some time past in the county of King George an association of persons known as the Grand order of the peace and light society of King George county, the purposes and objects of which are solely benevolent and charitable, and, to enable the said society more effectually to carry out the purposes of its organization, a charter of incorporation is desired; and Robert Triplett, Eli Cromwell, Benjamin Gatewood, John Williams, Frederick Johnson and Lark Brown having this day presented to the judge of the circuit court of said county the certificate in writing required by the act of the assembly in such cases made and provided, it is therefore ordered that they, Robert Triplett, Eli Cromwell, Benjamin Gatewood, John Williams, Frederick Johnson and Lark Brown, and such other persons as are now or may be hereafter become members of said society, be, and they are hereby, constituted a body politic and corporate, by the name and style of the Grand order of the peace and light society of King George county, Virginia, and by that name may sue and be sued, plead and be impleaded in all the courts of this commonwealth.

Second. The objects of said society shall be to take care of the sick and destitute members, to bury its dead, and to assist the widows and orphans of deceased members, to encourage and promote good morals and correct living among its members and their families, and such other benevolent objects as the said society may consider fit and proper.

Third. The said society may, and it shall, have power to take by purchase, gift, devise or bequest, and hold so much real and personal estate as may be suitable for its objects within the said county of King George, not to exceed one thousand dollars, and dispose of the same in such manner as may best promote the benevolent objects of said society.

Fourth. The chief place of business of said society shall be at Mount Ararat, in said county; and it may make such by-laws, rules and regulations, consistent with the laws of this state and the United States, as it may deem proper, for the government of its members, the duties of its officers, for the improvement, use, and safe-keeping of its property and funds, and for the management of its affairs generally.

Fifth. The officers of said society shall be for the first year as follows: George Espa Murray, president; Albert Smith, vice-president; Thornton Pratt, treasurer; Mary Cunningham, recording secretary; Charles Lucas, chaplain; John Williams, grand marshal; and Benjamin Gatewood, assistant grand marshal.

(Signed) W. S. BARTON, Judge tenth circuit.

And whereas it being now desired that said charter granted as aforesaid, shall be ratified, approved and confirmed by the general assembly of Virginia, and that rights of property acquired by such corporation be sure and stable: therefore,

1. Be it enacted by the general assembly of Virginia, That the aforesaid charter of the Grand order of the peace and light society of King George county, Virginia, be, and the same is hereby, confirmed, approved and ratified, and all rights of property acquired by or belonging to the same are made stable and sure.

2. This act shall be in force from its passage.

CHAP. 142.—An ACT to authorize the board of supervisors of Norfolk county to issue bonds for the redemption of ferry bonds issued under an act of the general assembly approved May 23, 1887.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board or supervisors of Norfolk county to issue, in behalf of Norfolk county, coupon bonds, in series, not less than one hundred dollars, bearing interest at the rate of five per centum per annum, payable semi-annually, and redeemable ten years from the first day of July, eighteen hundred and ninety-seven, for an amount not exceeding twenty-five thousand dollars, the said bonds to be used for the purpose of the redemption of Norfolk county's portion of the "ferry bonds" issued under an act of the general assembly approved May twenty-third, eighteen hundred and eighty-seven, and for no other purpose; money may be raised on said bonds by hypothecation or otherwise, but whenever said bonds shall be sold the price realized thereon must be not less than the par value thereof; the said bonds shall not be subject to any tax whatever by the county of Norfolk.

2. The said bonds issued under authority of this act shall be signed by the chairman of the board of supervisors of Norfolk county and by the treasurer of said county, attested by the clerk of the said board of supervisors with the seal of said board affixed thereto.

3. The said board of supervisors shall provide a sinking fund for the redemption of bonds issued under this act, beginning with the year eighteen hundred and ninety-seven, by setting aside each year the sum of two thousand five hundred dollars from the rental of the

said county's interest in the Norfolk county ferries; and to further secure the payment of said bonds and interest coupons attached thereto, the said board of supervisors are hereby authorized to pledge by deed of trust or otherwise the said county's interest in the real and personal property of said Norfolk county ferries, or any part thereof.

4. This act shall be in force from its passage.

CHAP. 143.—An ACT to provide for the establishment of a high school at Bedford City, and to take the sense of the qualified voters of the Municipal and Liberty districts of Bedford county thereon.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That the county superintendent of schools of Bedford county and the clerks of the Municipal and Liberty school districts of Bedford county, and their successors in office, be, and are hereby, constituted a board of managers, of which the county superintendent shall be president, with power to establish a public high school at or near Bedford City, in which shall be taught a complete academic course of study, free of tuition charges to advanced white pupils of Bedford county and to such advanced white pupils of other counties as may be designated by said board of managers, and upon the terms hereinafter designated.

2. The board of managers provided for in section one shall be, and are hereby made, a body corporate, with the corporate name of the Bedford City high school, with such powers and duties as are conferred by law on district school boards, and shall have power to prescribe the course of study in such school, and to make such regulations as are necessary to promote its efficiency, subject to the approval of the superintendent of public instruction.

3. The board of managers shall have power to establish a boarding department in connection with said school, and provide for the management thereof; provided that no part of the current expenses of such boarding department shall be defrayed out of public funds.

4. The board of managers shall, on or before the first day of July in each year, file with the county superintendent an estimate showing the amount of money needed for the pay of teachers in said high school for the next school year, and also an estimate for the amount necessary to provide buildings, furniture, apparatus, fuel and other necessary expenses of said high school; and it shall be the duty of the board of supervisors of Bedford county to make such levy on the property of the Municipal and Liberty school districts, including Bedford city, and on railroads, telegraphs and telephones lying within said districts and Bedford City, as may be necessary to provide for the amount called for in said estimate to provide buildings, furniture, apparatus, fuel and other necessary expenses; provided that

such levy shall not exceed fifteen cents on the hundred dollars of value of such property.

5. To provide funds for the pay of teachers in said high school, in apportioning county school funds as provided for in subsection two of section fourteen hundred and thirty-nine of the code, the county superintendent of schools of Bedford county shall set apart so much of the county school fund as shall have been realized from the county school tax on the property of the Municipal and Liberty school districts, including Bedford City, and railroads, telegraphs and telephones lying within said districts and Bedford City, for the the separate use of those districts and for the pay of teachers in said high school, and, after apportioning to those districts the same amount per capita of school population as shall have been apportioned to the other school districts of the county, shall set apart the remainder for the pay of teachers in said high school.

6. The board of managers may make a charge against the Municipal and Liberty school districts for pupils received from those districts, not to exceed one and one-half dollars per month for each pupil so received, and from pupils received from other school districts of the state may make a charge not exceeding two dollars and fifty cents per month for each pupil so received, which tuition fees shall be paid, upon notification of the amount, by warrant drawn by district school boards, payable to Bedford City high school, which warrants, as in the case of district school boards, shall be deposited with the county treasurer and his receipt taken therefor.

7. All funds received in accordance with sections four, five, and six shall be paid out by the county treasurer on warrants signed by the president of the board of managers and attested by its clerk.

8. The board of managers shall make such reports to and settlements with the county school board as are required by law of district school boards.

9. The judge of the county court of Bedford county shall, on or before the fifteenth day of May, eighteen hundred and ninety-six, issue his order directing an election to be held, at the usual voting places of the Municipal and Liberty school districts of Bedford county, on the fourth Thursday in May, eighteen hundred and ninety-six, to take the sense of the qualified voters of those districts on the question whether the high school provided for in this act shall be established, and the ballots used in such election shall be written or printed "For high school" and "Against high school," and if upon a count of the votes cast in such election a majority be "For high school," which majority shall also include a majority of the freeholders voting in such election, then this act shall become valid and in force, otherwise to be null and void. The votes in such election shall be counted and returns made, and the result declared, in accordance with the general provisions of section twelve hundred and forty-four of the code.

10. This act shall be in force from its passage.

CHAP. 144.—An ACT to repeal an act entitled “An act to allow Mrs. W. C. Corson to draw from the treasury of the state any salary due the estate of W. C. Corson, deceased, and to authorize the auditor of public accounts to pay the same,” approved December 19, 1895.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That the act approved December nineteenth, one thousand eight hundred and ninety-five, entitled an act to allow Mistress W. C. Corson to draw from the treasury of the state any salary due the estate of William C. Corson, deceased, and to authorize the auditor of public accounts to pay the same, be hereby repealed.

2. This act shall be in force from its passage.

CHAP. 145.—An ACT to authorize the board of education to pay Mrs. W. C. Corson any salary due the estate of Wm. C. Corson, late superintendent of schools of Cumberland county.

Approved January 23, 1896.

Whereas W. C. Corson, late superintendent of schools of Cumberland county, has departed this life intestate; and whereas there is due the estate of said W. C. Corson by the state a balance of salary due him as such superintendent; and whereas the widow of said W. C. Corson, deceased, is desirous of drawing said balance of salary, and saving the cost of administration:

1. Be it enacted by the general assembly of Virginia, That the board of education of Virginia be, and is hereby, authorized and directed to pay to Mistress W. C. Corson the balance, if any, of any salary which may be due the estate of the late W. C. Corson as superintendent of schools of Cumberland county, and to draw a warrant on the second auditor of the state for the same.

2. This act shall be in force from its passage.

CHAP. 146.—An ACT entitled an act to confirm and validate the charter of the People's perpetual loan and building association of Roanoke, Va., granted by the corporation court for the city of Roanoke, Va.

Approved January 23, 1896.

Whereas a charter was heretofore granted by the corporation court for the city of Roanoke, Virginia, to the People's perpetual loan and building association of Roanoke, Virginia, upon a certificate duly presented to the judge of said court, and was duly recorded in the clerk's office of the said court and lodged in the office of the secre-

tary of the commonwealth according to law; which certificate and charter are in the following words, to wit:

To Honorable William Gordon Robertson, judge of the corporation court for the city of Roanoke, Virginia:

Your honor: The undersigned, citizens of the state of Virginia, desiring for themselves and such others as may become associated with them, to be formed and created a body corporate in compliance with the act of assembly in such cases made and provided, do make, sign and acknowledge the following certificate of incorporation:

Name.—The name of the corporation shall be "The People's perpetual loan and building association of Roanoke, Virginia."

Purposes for which created.—To promote and encourage the up-building of the city of Roanoke, Virginia; to loan or advance money to the members of said corporation, and to secure repayment of all sums of money loaned or advanced by taking mortgages or deeds of trust on real estate situated within said city or elsewhere, or by assignment by the borrower to the corporation of stock in said corporation or collateral security; to purchase real estate upon which the said corporation may have loaned money, when, in the judgment of the board of directors thereof, it is to the interest of said corporation so to do, and to sell and convey any and all real estate so purchased or acquired.

The stock of the said corporation shall consist of not less than two hundred and fifty nor more than five thousand unredeemed shares, of the par value of fifty dollars each, payable in such installments as the by-laws may prescribe, but the by-laws may provide conditions for the payment of all or any part thereof in advance, and may also prescribe the entrance fee to be paid by such stockholder at the time of subscribing, and if they see proper, may limit the number of shares which such stockholder may hold at one time, and the corporation shall have the power to compel the punctual performance of all duties to the corporation, and to enforce the payment of all installments and other dues due to the corporation by all parties subscribing to its stock or borrowing money under its contract, in pursuance of its charter and by-laws, by such fines and forfeitures as the board of directors may from time to time provide in the by-laws, and power to transfer shares on the books of the corporation without any liability on the assignor for any installments or payments thereon accruing after the date of such transfer. All transfers shall be subject to such rules, regulations, and fees as the charter and by-laws may prescribe, and every member shall have one vote for each share of unredeemed stock, which he may hold, at any meeting of stockholders or election of directors, the payments on which stock are not in arrears at the time of such meeting of stockholders or election of directors, and no one shall be eligible as president, vice-president, or director who is not the bona fide owner, in his own right, of one or more unredeemed shares of stock, and upon his ceasing to hold, in his own right, unredeemed stock, it shall be the duty of the board of directors to declare his or their office vacant, and to fill the vacancy.

Any person or persons applying for membership or for stock in said corporation after the end of one month from the time of incorporation, may be required to pay for stock such price as may from time to time be fixed by the board of directors, in order to place such new members or stockholders on a footing with the original members and others holding unredeemed shares at the time of application.

The corporation shall have the power to make loans to members of the corporation or others, and receive as part of the security for loans to members their shares, either by way of redemption or hypothecation, as well as to take deeds of trust or mortgages, or any real, personal, or collateral security, conditioned for the repayment of the loan or advances in such installments as may be agreed; and a party by becoming a member of the association and signing the by-laws, the signing of said by-laws has the effect of a contract between the association and the member for the faithful performance by the parties thereto of all covenants, stipulations, and agreements; provided, however, that in case of such hypothecation of stock, no greater sum of money shall be drawn out by any member than has already been paid in by him on his share at the time of such hypothecation. The property so mortgaged or hypothecated as aforesaid to the corporation to be kept clear of taxes by the mortgagor. In the case of a redemption, the shares redeemed shall be cancelled, but the members so having their shares redeemed shall in no wise thereby be relieved from their obligation to perform all the duties they may have assumed to the corporation, and shall, for failure, be subject to like fines and penalties as though their shares of stock had not been redeemed. It shall and may be lawful for the said corporation to receive in advance the interest on loans, as well as to charge and deduct, upon the redemption of shares, such premiums for the privilege of having them redeemed, as may from time to time be fixed by the board of directors, or agreed upon between the corporation and the parties so having their shares redeemed; also, to receive deposits and savings, and to pay interest thereon.

All shares of stock redeemed by the corporation in accordance with the preceding section, or purchased by it, shall be considered as redeemed shares and shall be cancelled; and it shall be lawful for the company to issue an equal number of new shares in their stead, so that the number of unredeemed shares authorized by this act may never exceed the number of five thousand unredeemed shares perpetually, and the member or members of the corporation so redeeming the said share or shares of stock shall not be entitled to vote at any meeting of the corporation held for the purpose of electing directors or for any other purpose; provided, however, that any stockholder who may redeem stock to the corporation shall thereupon have the privilege of subscribing for as many shares of new stock at the price fixed by the board of directors as he shall have redeemed at that time, and upon so doing he shall not be deemed to have forfeited any of his rights enunciated as above in consequence of redeeming the previous shares.

The board of directors shall, within a reasonable time, declare such dividend of the profits as shall have been made during the

preceding six months upon unredeemed shares in the following manner :

The dividends upon fully paid-up shares to be paid in cash, and upon shares not paid up in full to be pro rata passed to the credit of the holder thereof.

Location of Principal Office.—The principal office is to be kept and the chief business transacted in the city of Roanoke, Virginia.

Officers and their residences.—The names and place of residence of the officers, who, for the first year shall manage the affairs of the association, are as follows: President, A. Z. Koiner, Roanoke, Virginia; vice-president, M. C. Thomas, Roanoke, Virginia; secretary, J. R. Schick, Roanoke, Virginia; treasurer, W. K. Andrews, Roanoke, Virginia; solicitor, R. H. Woodrum, Roanoke, Virginia; auditors, George C. McCahan, Herman Cruger, Frank Coffman. Board of directors, A. Z. Koiner, M. C. Thomas, W. Taylor Thom, S. B. Haupt, M. F. Bragg, T. H. Bransford, W. H. Stoll, W. F. Baker, R. A. Buckner.

The amount of real estate to be held by the said association shall not exceed one hundred and fifty thousand dollars at any one time.

Respectfully submitted, Wm. Taylor Thom, W. F. Baker, A. Z. Koiner, R. H. Woodrum, C. W. Thomas, C. M. Turner, M. C. Thomas, Frank Coffman.

State of Virginia, city of Roanoke, to-wit:

I, C. M. Spence, a notary public for the city of Roanoke, in the state of Virginia, do certify that Wm. Taylor Thom, Wm. F. Baker, A. Z. Koiner, R. H. Woodrum, C. W. Thomas, C. M. Turner, M. C. Thomas and Frank Coffman, whose names are signed to the foregoing petition and articles of incorporation, have made, signed and acknowledged the same before me in my city and state aforesaid.

C. M. SPENCE, Notary Public.

Corporation court of the city of Roanoke in the state of Virginia, May, anno domini eighteen hundred and eighty-seven. It appearing to the court that Wm. Taylor Thom, Wm. F. Baker, A. Z. Koiner, R. H. Woodrum, C. W. Thomas, C. M. Turner, M. C. Thomas and Frank Coffman, have for themselves and others made, signed and acknowledged, according to the laws of the state of Virginia, the certificate of incorporation hereto annexed, it is ordered and decreed that the parties who make, sign and acknowledge the foregoing certificate of incorporation and petition, namely: Wm. Taylor Thom, Wm. F. Baker, A. Z. Koiner, R. H. Woodrum, C. W. Thomas, C. M. Turner, M. C. Thomas and Frank Coffman, and such others as may be associated with them and their successors be, and they are hereby, formed into and created a body corporate. The name of said corporation shall be The People's perpetual loan and building association, of Roanoke, Virginia, and as such shall be capable in law to purchase, hold and dispose of property, both real and personal; to make loans on real estate, personal or collateral security; to receive deposits and savings, and for such other objects as may pro-

mote the interest of the association, and for the purpose of enabling persons of limited means to purchase homesteads for their families. The said corporation shall have power to make, have and use a common seal, and the same to change, alter and renew at pleasure; to sue and be sued; to plead and to be impleaded in any court of law and equity; to make all deeds, transfers, contracts, conveyances and grants whatsoever, and to exercise all the powers incident to bodies politic and corporate; to pass all by-laws necessary to carry into effect the foregoing charter not inconsistent with the laws of the state of Virginia or of the United States. The condition upon which this charter is granted is that the said association will pay all taxes and dues that may hereafter be due the commonwealth of Virginia in lawful money of the United States, and not in coupons.

WM. GORDON ROBERTSON, Judge.

State of Virginia, city of Roanoke, to-wit :

I, S. S. Brooke, clerk of the corporation court for the city of Roanoke, hereby certify that the foregoing petition and charter of incorporation of the People's perpetual loan and building association, of Roanoke, Virginia, has been this day recorded in my office, and I hereby certify the same to the secretary of the commonwealth of Virginia, to be recorded in his office. Given under my hand this eleventh day of May, anno domini eighteen hundred and eighty-seven.

S. S. BROOKE, Clerk, &c.

And whereas said charter was duly accepted and has been acted under by the said association;

And whereas some doubt has arisen as to the authority of the said corporation court of Roanoke to grant said charter upon the terms set forth in said certificate: therefore,

1. Be it enacted by the general assembly of Virginia, That said charter be, and the same is hereby, declared to be, as to all contracts entered into by said association in accordance with the provisions of the aforesaid certificate, as valid to all intents and purposes as if originally granted by the general assembly of Virginia.

2. This act shall be in force from its passage.

CHAP 147.—An ACT giving the consent of this state to the purchase by the United States of certain real estate in the county of Norfolk and exempting the same from taxation.

Approved January 27, 1896.

Whereas it has been represented to the general assembly that it may be desirable for the United States to acquire by purchase, a piece or parcel of land in Norfolk county, on the Elizabeth river, immediately opposite to the Gosport navy-yard, known as "Cedar

Grove," for the construction of a wet dock, and for naval purposes :

1. Be it enacted by the general assembly of Virginia, That the consent of this commonwealth be, and is hereby, given to said purchase ; and when the same shall have been made, jurisdiction is hereby ceded to the government of the United States, so that congress and the authorities of the federal government shall have all lawful power and control over and in the same, as is specified in seventeenth clause of the eighth section of the first article of the constitution of the United States ; provided, however, that the consent herein given, shall not extend to the purchase or acquisition of more than sixty acres of land for the purposes aforesaid ; and provided, further, that the state retains jurisdiction over the same, in all matters relating to the violation of the laws of this state, to the execution and service of all processes issued by or from the courts, magistrates or other state officers, in pursuance of law, and in all other matters not incompatible with the consent herein given, and the rightful authority of the United States thereby acquired, or to be acquired under this act.

2. If the government of the United States shall fail to make the purchase specified in the preceding section, and for the purpose therein designated, within four years from the passage of this act, then this act shall cease to be of any force or effect, and the full, complete and undivided jurisdiction over the same, shall revert to and vest in this commonwealth, as if it had not been passed.

3. The said real estate, and the buildings or structures that may be erected thereon, are hereby exempted from any tax to be imposed by this state, or the constituted authorities of Norfolk county, so long as the same shall be held and used by the general government for the purposes hereinbefore mentioned, and no longer.

4. This act shall be in force from its passage.

CHAP. 148.—An ACT to prevent the extermination of partridges (or quail) in the state of Virginia.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to kill or capture any partridges (or quail) in the state of Virginia for the period of two years, or to offer for sale or buy any partridges (or quail) so unlawfully killed or captured in said state within the aforesaid period.

2. Any person violating this act shall be deemed guilty of a misdemeanor, and fined ten dollars for each offence and imprisoned in jail until the fine be paid, but not exceeding thirty days.

3. In any prosecution of a person for a violation of this act, proof of the possession of any such birds shall be prima facie evidence of guilt.

4. The operation of section two thousand and seventy-nine of the code of Virginia, and of any special game law so far as it relates to this particular game and is in conflict with this act, is hereby suspended for the period of two years.

5. This act shall be in force from its passage.

CHAP. 149.—An ACT governing the location of toll-gates on the Front Royal turnpike company's road, in the counties of Frederick and Clarke.

Approved January 27, 1896.

Whereas under the laws governing turnpikes and the collection of tolls upon them, the said companies are entitled to collect full toll for every section at the toll-gate for that section, whether the traveler passes over the whole section or not, and if he passes over a "fractional part of a section," which means so much of a road as does not, in the building of it, hold out to a complete section as is provided in the latter part of section one thousand one hundred and ninety-one of the code of Virginia, eighteen hundred and eighty-seven, he pays the proportion of the "fractional part" to five miles; if he passes over only part of the "fractional part," he must pay for the whole "fractional part," as provided in section one thousand one hundred and ninety-seven; and as the law nowhere fixes the place where the toll-gate shall be located, and as it is a matter of public notoriety that turnpike companies are constantly shifting their gates on their roads as they determine is best and most convenient for the collection of toll; and,

Whereas the Front Royal turnpike company owns a continuous turnpike road, about eight and one-half miles of which is in the county of Frederick and about two and one-half miles in the county of Clarke, as well as a branch road running from the double toll-gate, in Clarke county, to White Post, in Clarke county, a distance of about two miles, making in all about thirteen miles of road owned by said turnpike company: therefore,

1. Be it enacted by the general assembly of Virginia, That the Front Royal turnpike company be, and it is hereby, authorized and empowered to locate on its said turnpike roads, at such places as to it may seem proper, as many as four toll-gates in all, for the purpose of collecting its tolls upon its said roads; provided said turnpike company does not collect on any section, or the "fractional part" of any section, more toll for that section, or that "fractional part of a section" than is lawful to be collected on said section or any "fractional part of said section."

2. This act shall be in force from its passage.

CHAP. 150.—An ACT to amend and re-enact section 3428 of the code of Virginia, in relation to power of judge in vacation to enforce obedience to decrees and orders.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-four hundred and twenty-eight of the code of Virginia, in relation to power of judge in vacation to enforce obedience to decrees and orders, be amended and re-enacted so as to read as follows:

§ 3428. The judge of every circuit or corporation court shall have the same power, in vacation, that he has in term, by process of contempt, to punish disobedience of, and enforce obedience to, any decree or order made in a cause in his court. The orders and proceedings in such case shall be certified and entered of record, as provided in the preceding section, and shall be as valid as if made or had and entered in term.

2. This act shall be in force from its passage.

CHAP. 151.—An ACT to amend and re-enact section 3427 of the code of Virginia, in relation to how a chancery cause, submitted for decision in vacation; how the decree certified and entered; its effect.

Approved January 27, 1896.

Be it enacted by the general assembly of Virginia, That section thirty-four hundred and twenty-seven of the code of Virginia, in relation to how a chancery cause submitted for decision in vacation; how the decree certified and entered; its effect, be amended and re-enacted so as to read as follows:

§ 3427. Any chancery cause pending in a circuit or corporation court, may, by consent of the parties in term entered of record, or by the like consent in vacation, be submitted to the said judge for such decision and decree therein in vacation as might be made in term. When such consent is in vacation, the judge shall certify the fact to the clerk of the court in which the cause is pending to be entered by him in his chancery order book. He shall also certify to decrees and orders made by him in vacation to such clerk to be entered in like manner. All decrees and orders so made and entered shall have the same force and effect as if made and entered in term.

2. This act shall be in force from its passage.

CHAP. 152.—An ACT to amend and re-enact section 3426 of the code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact section 3426 of the code of Virginia, in relation to interlocutory decrees and orders, approved February 12, 1894.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That section three thousand four hundred and twenty-six of the code of Virginia, as amended by an act entitled an act to amend and re-enact section three thousand four hundred and twenty-six of the code of Virginia, in relation to interlocutory decrees and orders, approved February twelfth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 3426. On the motion of any party, to a chancery cause pending in a circuit or corporation court, on reasonable notice to the adverse party or his counsel, the judge of such court may, in vacation, make any interlocutory decree or order, or direct any proceeding therein preparatory to the hearing of the cause on the merits; and may, also, after like notice to the adverse party or his counsel and to the purchaser, make an order confirming or refusing to confirm a sale made under a decree in any such cause, and in case of a refusal to confirm the sale, the judge may order a resale.

In all cases of a confirmation the judge shall have the authority to make all orders necessary to carry the same into effect.

2. This act shall be in force from its passage.

CHAP. 153.—An ACT to incorporate the Wythe county railroad company.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That Joseph I. Doran, A. J. Hemphill, G. C. Callahan, James H. McGarock, W. H. Bolling, S. R. Sayers, David P. Graham, J. C. Green, or such of them as may accept the provisions of this act, their associates, successors and assigns, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Wythe county railroad company, and by that name shall be known in law, and as such are authorized and empowered to locate, construct and operate a line of railroad, of any gauge, from some point at or near Max Meadows, in the county of Wythe, and running thence through Wythe county to such point in Wythe county, at or on the Cripple creek extension of the Norfolk and Western railroad at a point opposite the mouth of Welsh's branch that flows through the lands of the Lobdell car-wheel company or west of this point, as may seem most suitable to the directors of said company, and to operate such railroad by steam, electricity or any other motive power.

2. The said company shall have perpetual succession, and have

power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether at law or in equity, and may make and have a common seal, and alter or renew the same at pleasure, and shall have and possess and enjoy all the rights and privileges of a corporation or body politic in the law and necessary for the purposes of this act.

3. The capital stock of said company shall not be less than forty thousand dollars, the par value of which shall not be less than fifty dollars; and the directors may receive cash, labor, material, real and personal property suited to the business of said company, in payment of subscriptions to the capital stock, at such valuations as may be agreed upon between the directors and the subscribers, and may make such subscriptions payable in such manner or amounts, at such times, as may be agreed upon with the subscribers. The shares may be preferred or common, or both, as may be prescribed at the time of the organization of the company, and the capital stock may, from time to time, be increased with the consent of a majority of the stockholders by the issue and sale of stock to an amount requisite for the purposes of the company, under such regulations as the board of directors of said company shall prescribe.

4. It shall be lawful for the company to acquire by donation or purchases land for right of way, depots, stations, and other purposes necessary for the successful construction and operation of its road.

5. It shall be lawful for said company to borrow money or issue and sell its bonds from time to time for such sums and on such terms as the board of directors may deem expedient and proper, and to secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, railroads and franchises.

6. The said company may acquire by condemnation, according to the laws of Virginia, the lands required for the right of way of its railroads and the necessary stations and depots for its operations, and may connect or unite its railroad with that of any other railroad company now or hereafter, constructed in or to the county hereinbefore mentioned, or consolidate or merge its stock, property and franchises with those of any company operating or authorized to operate a connecting line of railroad, not a competing line, or sell its line of railroad to such company upon such terms as may be agreed upon by the board of directors of the company so uniting or consolidating; and for that purpose power is hereby given to it and such other company or companies to make and carry out such contracts as will facilitate and consummate such connection, merger or consolidation, or sale; provided that a copy of every such contract, or consolidation and merger or sale, be filed in the office of the board of public works. It shall be lawful for any railroad or other corporation of this state to guarantee or hold the bonds and stock of the said company.

7. The said company shall be required to commence the construction of said railroad within two years from the passage of this act, and to complete the construction of the main line within two years thereafter, or otherwise the powers, privileges and franchises hereby granted shall be annulled and become void, except as to so much of

the main line as shall have been actually constructed or put in course of actual construction from Max Meadows to the Norfolk and Western railroad at a point opposite to the mouth of Welsh's branch on New river.

8. The persons first named in this act, or such of them as shall accept the provisions thereof, shall have the power and authority of a president and board of directors for the purpose of organizing and all other purposes. They shall constitute the board of directors for the first year, and shall continue in office until their successors shall be elected and qualified. Each stockholder in the company shall at all meetings or elections be entitled to one vote for each share of stock registered in his name.

9. The board of directors shall appoint one of their number president, and may fill any vacancy that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever twenty-five per centum of the capital stock shall have been subscribed or issued, and the board of directors shall have elected a president, said company shall be considered legally organized and may proceed to the transaction of business.

10. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal office of the company shall be located in this state.

11. All taxes due the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

12. This act shall be in force from its passage, but the general assembly of the state of Virginia reserves to itself the right to modify, alter, or repeal this act at any time hereafter.

CHAP. 154.—An ACT to authorize the United security life insurance and trust company of Pennsylvania to do business in the state without the deposit of securities with the treasurer.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, that the United security life insurance and trust company of Pennsylvania is hereby admitted and authorized to do business in this state, subject to license and taxation as a life insurance company, and subject also to the provisions and requirements of the laws of Virginia, now existing or hereafter enacted, applicable to life insurance companies not incorporated under the laws of this state; provided that said company shall not be subject to the deposit of securities with the treasurer of the commonwealth, required of such life insurance companies by section twelve hundred and seventy-one of the code of Virginia and amendments thereof, so long as said United security life insurance and trust company of Pennsylvania shall continue to transact its business, upon a basis and under a form of

contract which gives to the patrons of said company in advance all that will ever be due them from said company, so that nothing is left to be secured to said patrons.

2. This act shall be in force from its passage.

CHAP. 155.—An ACT to allow B. M. Clement, deputy for J. R. Whitehead, late treasurer of Pittsylvania county, further time to distrain, levy for, and collect certain tax-tickets for which he has accounted to the state.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That B. M. Clement, deputy for J. R. Whitehead, late treasurer of Pittsylvania county, be allowed the further time of one year from the passage of this act in which to distrain, levy for, and collect any uncollected tax-tickets and levies not returned delinquent, and for which he has accounted to the state for the year eighteen hundred and ninety-three.

2. This act shall be in force from its passage.

CHAP. 156.—An ACT to amend sections 1 and 7 of a charter granted to the Gethsemane lodge of the state of Virginia, No. 1, on the 28th day of November, 1894, by the judge of the circuit court of King George county, in vacation, and to confirm, approve, and ratify such charter as amended.

Approved January 27, 1896.

Whereas as by an order entered on the twenty-eighth day of November, eighteen hundred and ninety-four, the judge of the circuit court of King George county, in vacation, granted a charter incorporating Gethsemane lodge, of the state of Virginia, number one, which charter is in words and figures following:

Commonwealth of Virginia, county of King George, to-wit:

Be it known that we, Isaac Wood, John H. Grymes, W. M. Taylor, Simon S. Rollins, H. J. Taylor, Simon E. Rollins, George Rollins, and James H. Brown, whose names are hereto subscribed, do hereby form a body politic and corporate, pursuant to and in conformity with the statutes of Virginia, in such cases made and provided, to-wit:

First. The name and style of which said corporation shall be known as Gethsemane lodge of the state of Virginia, number one.

Second. The object and purposes for which this corporation is formed are benevolent, charitable and beneficial, especially to bury the dead, to minister to and aid the aged and sick, and those in distress.

Third. The officers of this corporation shall consist of a president, a treasurer, and eight directors, who shall hold office for one year and be elected after the first year by the majority of members present and voting. The officers for the first year shall be Isaac Wood, president; James H. Brown, treasurer; and John H. Grymes, W. M. Taylor, Simon S. Rollins, H. J. Taylor, Simon E. Rollins, George Rollins, James H. Brown, and Isaac Wood, directors; all of these officers being residents of King George county.

Fourth. Said corporation may establish branch lodges, which will be subject to the control of this lodge and to all of its rules and regulations. Any branch lodge may be established by the directors of this corporation, and may, for good cause, disband the same.

Fifth. Said corporation shall be invested with the rights and privileges conferred, and subject to the restrictions and regulations prescribed for such corporations by the general laws of this state.

Sixth. Said corporation may acquire and hold property, real and personal, as may be necessary for its purposes; shall have power to make and adopt a constitution and by-laws for the government of said corporation; rules and regulations for the admission and expulsion of members, the assessment of dues from said members, and the imposition of fines against members; rules and regulations for the election of officers, and to define their duties, and for the safe-keeping and protection of its property and funds, provided the same are not inconsistent with the laws of this state.

Seventh. The principal office of this corporation shall be in King George county, Virginia, on a lot of land recently purchased by said lodge, situated near Saint Stephen's church, and adjoining the land of Thaddeus Sorrell, upon which his mother now lives. Witness our hands and seals this tenth day of October, eighteen hundred and ninety-four.

ISAAC WOOD,	[Seal.]
JOHN H. GRYMES,	[Seal.]
WILLIAM TAYLOR,	[Seal.]
SIMON S. ROLLINS,	[Seal.]
SIMON E. ROLLINS,	[Seal.]
GEORGE ROLLINS,	[Seal.]
HENRY J. TAYLOR,	[Seal.]
JAMES H. BROWN,	[Seal.]

Virginia—King George county, to-wit:

I, William S. Brown, clerk of the circuit court of King George county, in the state aforesaid, do certify that Isaac Wood, John H. Grymes, William Taylor, Simon E. Rollins, Simon S. Rollins, George Rollins, Henry J. Taylor, and James H. Brown, who have signed the foregoing writing, bearing date this tenth day of October, eighteen hundred and ninety-four, have acknowledged the same before me in my county aforesaid.

Given under my hand the twenty-fourth day of October, eighteen hundred and ninety-four.

WILLIAM S. BROWN,
Clerk of King George Circuit Court.

Virginia, to wit :

By the judge of the circuit court of the county of King George :

In vacation, Wednesday, November twenty-eight, one thousand eight hundred and ninety-four.

I, William S. Barton, judge of the circuit court of the county of King George, in vacation, considering the application of Isaac Wood, John H. Grymes, William Taylor, Simon S. Rollins, Simon E. Rollins, George Rollins, Henry J. Taylor and James H. Brown, whose names are signed above, for incorporation, reasonable and proper, and the certificate above to be signed and acknowledged according to law, grant said parties, and such others as may be associated with them, a charter of incorporation in the name of Gethsemane lodge, number one, with all the powers embraced in said certificate and the laws of Virginia to companies of this character, and subject to all the duties, limitations and restrictions of said laws, and to the express condition that said corporation shall pay all charges and taxes due and to become due to the state of Virginia in the lawful money of the United States. And I hereby certify this certificate and these proceedings to the clerk of the circuit court of the county of King George for record, and direct him to certify the same under the seal of the said circuit court to the secretary of the commonwealth at Richmond, Virginia, to be in like manner recorded in his office.

[Signed.] W. S. BARTON, Judge, &c.

And whereas it being now desired that said charter, granted as aforesaid, be amended in the first and seventh sections thereof, and as amended that said charter be approved, confirmed and ratified by the general assembly of Virginia, and that the rights of property acquired and to be acquired by such corporation be sure and stable: therefore,

1. Be it enacted by the general assembly of Virginia, That sections one and seven of said charter be amended and re-enacted so as to read as follows :

§ 1. The name and style of said corporation shall be Gethsemane lodge of the state of Virginia, number one.

§ 7. The principal office of said corporation shall be in King George county, Virginia.

2. Be it also enacted, that the aforesaid charter of Gethsemane lodge of the state of Virginia, number one, as above amended, be, and the same is hereby, confirmed, approved and ratified, and all rights of property acquired or belonging to the said corporation are made stable and sure.

3. This act shall be in force from its passage.

CHAP. 157.—An ACT to amend section 1 of the charter of the town of Tazewell in Tazewell county.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That section one of an act approved February sixteenth, one thousand eight hundred and eighty-six, entitled "an act to amend the charter of the town of Jeffersonville, in Tazewell county" (the corporate name of which was changed to Tazewell by an act of the general assembly of Virginia, approved February the twenty-ninth, one thousand eight hundred and ninety-two), be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That all the territory in Tazewell county included in the following boundaries, namely:

Beginning at a station one, the northwest corner of Mistress R. B. Gillespie's old seminary lot; thence crossing the turnpike east of the town of Tazewell to a station two, on the north side of said turnpike, southwest corner of T. G. Witten's land, and also corner of the Tazewell court-house improvement company's plat of lots; thence with said company's lines north thirty-three degrees three minutes west, four hundred and seven and four-tenths feet, to station three; north fifty-eight degrees twenty-seven minutes east, thirty-six feet, to station four; north seventy-eight degrees east, four hundred twenty-four and nine-tenths feet, to station five; north thirteen degrees west, one thousand eight hundred and seventeen feet, to station six; north eighty-four degrees west, seven hundred and fifty feet, to station seven; north thirteen degrees forty-two minutes west, fifty-three feet, to station eight; thence north eighty-five degrees fifty-two minutes west, one hundred and ninety-one feet, to station nine, southwest corner of lot seven, section thirty-three on said plat of lots; thence south four degrees forty-eight minutes west, seventy-five feet, to station ten; thence north eighty-five degrees fifty-two minutes west, one thousand two hundred and seventy-five feet, to station eleven, the northwest corner of lot one, section seven, of said plat of lots; thence north nine degrees fourteen minutes west, one thousand one hundred and forty-two feet, to station twelve in a former line of the corporate limits of said town; thence with said old line north fifty-eight degrees west, three hundred feet, to station thirteen on the east side of old road leading to Tazewell station, and with the east side of same south thirty-three degrees west, ten poles and nine links, to station fourteen; south eighty-seven degrees west, eighteen poles and seven links, to station fifteen; south seventy-seven degrees west, three poles and sixteen links, to station sixteen; south forty-nine degrees thirty minutes west, five poles, to station seventeen; south twenty-two degrees forty-five minutes west, five poles and eight links, to station eighteen; south thirteen degrees and thirty minutes east, ten poles and sixteen links, to station nineteen; thence north eighty-two degrees thirty minutes west, twenty-eight poles, crossing said road to station twenty; thence south eleven degrees east, forty-

eight poles and ten links, to station twenty-one; thence south fifty-four degrees and thirty minutes east, thirty-seven poles, to station twenty-two on the west side of said old road, eight feet west of J. S. and A. P. Gillespie's gate-post; thence south sixty-one degrees fifty-three minutes west, thirty poles and seven links, to station twenty-three; thence north eighty-two degrees fifteen minutes west, thirty-six poles and twenty-one links, to station twenty-four, at a gateway on said Gillespie's private road; thence south sixty-seven degrees west, thirty-six poles and three links, to station twenty-five; thence south thirty-eight degrees east, thirty poles and fifteen links, to station twenty-six on the north edge of the turnpike west, of the said town; thence with north side of same, south sixty-six degrees thirty minutes west, six poles and twenty-three links, to station twenty-seven; south fifty-seven degrees forty-five minutes west, twenty-six poles and eleven links, to station twenty-eight; south sixty-eight degrees thirty minutes west, twenty poles and six links, to station twenty-nine on H. G. Peery's line; thence crossing said turnpike south thirty degrees fifteen minutes east, seventy-three poles, to station thirty; thence south seven degrees, east one hundred poles to station thirty-one; south eighty-five degrees east, twenty-six poles, to station thirty-two; thence south seventy-four degrees fifteen minutes east, twenty poles, to station thirty-three; thence south seventy-six degrees thirty minutes east, thirty-seven poles and fifteen links, to station thirty-four; north thirty-six degrees forty-five minutes east, thirty poles, to station thirty-five; thence south twenty-one degrees east, twenty-seven poles, to station thirty-six; thence south one degree thirty minutes west, twenty-one poles, to station thirty-seven; thence north eighty degrees thirty minutes east, one hundred and twenty-nine poles, to station thirty-eight, in line between A. J. May and S. D. May; thence north seventy degrees east, one hundred and thirty-eight poles, to station thirty-nine, in line between S. D. May and A. J. May, junior; thence north thirty-five degrees west, seventy-seven poles, to station forty, on south edge of W. O. Whitman's road; thence with south side of said road south seventy-seven degrees forty-five minutes west, fifty-three poles and three links, to station forty-one, opposite Amy Smith's southwest corner; thence north eleven degrees and thirty minutes west, thirteen poles and five links, to station forty-two; thence north seventy-five degrees thirty minutes east, sixteen poles and thirteen links, to station forty-three; thence north forty degrees thirty minutes west, nineteen poles, to station forty-four; thence north sixty-six degrees thirty minutes east, thirty-seven poles and seven links, to station forty-five; thence north seventy-one degrees east, sixty-eight poles, to station forty-six, in W. O. Whitman's line; thence north twenty-two degrees forty-five minutes west, forty-three poles, to station forty-seven; south fifty-seven degrees west, thirty-two poles, to station forty-eight; thence north thirty-four degrees west, one hundred and six poles, to station forty-nine, on the south side of the turnpike east, of said town; thence with south side of said turnpike south sixty-three degrees fifteen minutes west, eight poles to station fifty; thence south forty-nine degrees west, seven poles, to

the beginning: with the present subdivisions of part of said territory into lots, streets, alleys, and roads, shall be, and the same is hereby, made a town corporate, by the name of the town of Tazewell, and by that name shall have and exercise all the powers conferred upon towns by, and be subject to the provisions of, the forty-fourth chapter of the code of Virginia, edition of one thousand eight hundred and eighty-seven, so far as they may be consistent with this act.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 158.—An ACT to repeal an act entitled an act in reference to persons in Princess Anne county, approved February 3, 1882, as amended and re-enacted by an act entitled an act to amend and re-enact chapter 56 of the acts of 1881-82, entitled an act in reference to fences in Princess Anne county, approved March 3, 1890.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act in reference to fences in Princess Anne county, approved February three, one thousand eight hundred and eighty-two, as amended and re-enacted by an act entitled an act to amend and re-enact chapter fifty-six of the acts of assembly of eighteen hundred and eighty-one and two, entitled an act in reference to fences in Princess Anne county, approved March three, one thousand eight hundred and ninety, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 159.—An ACT to ratify, confirm and enlarge the charter of the Norfolk wharf, warehouse and terminal company, to confer upon it the rights and obligations of a railway and transportation company as prescribed, and to change the name thereof to the Norfolk terminal and transportation company.

Approved January 27, 1896.

Whereas the corporation court of the city of Norfolk, did on the third day of May, eighteen hundred and ninety-three, grant a charter of incorporation to the Norfolk wharf, warehouse and terminal company, as follows:

To the honorable, the corporation court of the city of Norfolk, Virginia: The undersigned desiring to be constituted a body corporate under the style and for the purposes hereinafter set forth, do make, sign and acknowledge the following certificate as required by the statute in such case made and provided:

First. The name of the corporation shall be the Norfolk wharf, warehouse and terminal company.

Second. The purposes of the corporation are: to take, hold, use, and dispose of real estate in the city of Norfolk, Virginia; to buy, erect, maintain, use, and dispose of in fee or by lease for years, all such wharves, docks, piers, warehouses, and passenger and freight depots as in the estimation of said company may be advantageous in the prosecution of its business; and to furnish terminal facilities for transportation companies or persons engaged in the transportation business; and to do a general warehouse and forwarding business; to borrow money and execute therefor its bonds or notes and secure the payment of the same by deeds of trust or mortgage on any or all of its property, both real, personal and mixed; to develop the water front of all property which it may acquire; to sell off for any purpose such portions of its real estate as it may not need for its own purposes; to own operate and dispose of steamboats, tugs, barges, and other vessels in lawful employment; to subscribe to, purchase, or otherwise acquire and hold and dispose of the stock, and bonds and notes, or either, of any corporation chartered under the laws of Virginia; and to bargain, sell, use, hypothecate, or otherwise dispose of the same as it may deem best for its interest; and any Virginia corporation may subscribe to, purchase, or otherwise acquire and dispose of the stock, bonds and notes of this company.

Third. The minimum capital stock of the company shall be one hundred thousand dollars, and the maximum capital stock shall be one million dollars, said capital stock to be divided into shares of the par value of one hundred dollars per share.

Fourth. Its principal offices is to be kept and its chief business to be transacted at Norfolk, Virginia, though its directors and stockholders may meet lawfully at any point in the state of Virginia upon reasonable notice.

Fifth. The said company proposes to hold real estate not exceeding forty acres in quantity.

Sixth. The officers who for the first year are to manage the affairs of the said company are as follows: President, Decatur Axtell; secretary, C. E. Wellford; treasurer, T. O. Barbour, each one of whom resides in the city of Richmond, Virginia. The directors are as follows: Decatur Axtell, Richmond, Virginia; C. E. Wellford, Richmond, Virginia; T. O. Barbour, Richmond, Virginia; H. T. Wickham, Hanover county, Virginia; J. W. Elliott, Norfolk, Virginia; W. L. Williams, Norfolk, Virginia; Dawson McCormick, Norfolk, Virginia.

Seventh. All taxes and other debts which shall become due to the state of Virginia by this company shall be paid by the company in lawful money of the United States.

Witness the following signatures and seals this, the first day of May, anno domini eighteen hundred and ninety-three:

T. O. BARBOUR,	[Seal.]
C. E. WELLFORD,	[Seal.]
DECATUR AXTELL,	[Seal.]
J. W. ELLIOTT,	[Seal.]
W. L. WILLIAMS.	[Seal.]
DAWSON MCCORMICK.	[Seal.]

State of Virginia, city of Richmond, to-wit:

I, Louis P. Ecker, a notary public in and for the city of Richmond and state of Virginia, do hereby certify that Decatur Axtell, C. E. Wellford, and T. O. Barbour, whose names are signed to the foregoing writing, bearing date the first day of May, eighteen hundred and ninety-three, have each, this day, personally appeared before me in my city aforesaid, and each for himself acknowledged the signing and execution of the said written certificate.

Given under my hand this, the first day of May, at my office in my city aforesaid.

LOUIS P. ECKER, Notary Public.

State of Virginia, city of Norfolk, to wit:

I, W. W. Wilson, a notary public in and for the city of Norfolk and state of Virginia, do hereby certify that J. W. Elliott, W. L. Williams and Dawson McCormick, whose names are signed to the foregoing writing, bearing date on the first day of May, eighteen hundred and ninety-three, have each this day personally appeared before me in my city aforesaid, and each for himself acknowledged the signing and execution of the said written certificate.

Given under my hand this second day of May, at my office in the city aforesaid.

W. W. WILSON, Notary Public.

Commonwealth of Virginia,
Corporation court of the city of Norfolk:

In re Norfolk wharf, warehouse and terminal company.

The foregoing certificate, setting forth the purpose and desire of certain persons to obtain a charter, being duly signed and acknowledged as the law requires, having been presented to the corporation court of the city of Norfolk, and the same having been carefully considered: now, on the motion of counsel for the signers of said certificate, it is adjudged that a charter of incorporation be, and the same hereby is, granted to the subscribers thereof, on the terms and with the privileges and powers therein set forth, that is to say: (one) That T. O. Barbour, C. E. Wellford, Decatur Axtell, all of the city of Richmond, Virginia; and J. W. Elliott, W. L. Williams and Dawson McCormick, all of the city of Norfolk, Virginia; and all other persons, such as may now or that may hereafter be associated with them, their successors and assigns, are hereby constituted, erected and created a body politic and corporate under and by the name of the Norfolk wharf, warehouse and terminal company, and by such name shall have the general powers, and be subject to the general restrictions prescribed by the laws of Virginia in regard to such bodies politic and corporate; including, among other rights hereinafter named, the right to have perpetual succession under the limitation of the general law of the land, the power to sue and be

sued, to make and have a common seal, and alter and renew the same at pleasure, and the right to make all such by-laws and rules as it may deem necessary for its welfare.

2. That the said company shall have the right to take, hold, use, and dispose of real estate in the city of Norfolk, Virginia, the amount of such real estate not to exceed forty acres to be held at any one time, and to develop the same; to buy, erect, maintain and dispose of, in fee or by lease for years, all such wharves, docks, piers, warehouses, slips and passenger and freight depots, as in the estimation of the said company may be advantageous in the prosecution of its business; and to furnish terminal facilities for transportation companies or persons engaged in the transportation business; and to do a general warehouse and forwarding business; to borrow money and execute therefor its notes or bonds and secure the payment of the same by deeds of trust or mortgage on any or all of its property; to guarantee the payment of the debts of any other Virginia corporation and to secure the faithful performance of such guaranty by deeds of trust or mortgage on any or all of its property, both real, personal and mixed; to develop the water front of all property which it may acquire; to sell off or otherwise dispose of for any purpose, such portions of its real estate as it may not need for its own purposes; to own, operate, and dispose of steamboats, tugs, barges and other vessels in any lawful way; to subscribe to, purchase, or otherwise acquire, hold and dispose of the stock and bonds and notes of any corporation chartered under the laws of Virginia; and to bargain, sell, use, hypothecate, or otherwise dispose of the same as it may deem best for its interest; and any Virginia corporation may subscribe to, purchase, or otherwise acquire and dispose of the stock, bonds and notes of this company.

3. That the minimum capital stock of this company shall be one hundred thousand dollars, and the maximum capital stock shall be one million dollars. Said capital stock to be divided into shares of the par value of one hundred dollars per share.

4. That the principal office of said company shall be kept, and its chief business shall be transacted at Norfolk, Virginia; though its directors and stockholders may lawfully meet at any point in the state of Virginia, upon reasonable notice.

5. That said company may purchase, hold and convey, either in fee or for a term of years, or as security for debts, real estate, not exceeding in quantity forty acres.

6. That the officers who for the first year are to manage the affairs of the said company, are as follows:

President, Decatur Axtell; secretary, C. E. Wellford; treasurer, T. O. Barbour, each one of whom resides in the city of Richmond, Virginia, and the directors shall be as follows: Decatur Axtell, who resides in Richmond, Virginia; C. E. Wellford, who resides in Richmond, Virginia; T. O. Barbour, who resides in Richmond, Virginia; H. T. Wickham, who resides in Hanover county, Virginia; J. W. Elliott, who resides in Norfolk, Virginia; W. L. Williams, who resides in Norfolk, Virginia; Dawson McCormick, who resides in Norfolk, Virginia.

7. The said company shall pay all its taxes or other dues to the state of Virginia, or the city of Norfolk, in lawful money of the United States; and it is further ordered that no notice of the time or place of opening books of subscription shall be necessary, and that the clerk of this court record the foregoing certificate, and this decree, as the law directs, and certify the same to the secretary of the commonwealth.

Done in open court, in the said city of Norfolk, this the third day of May, eighteen hundred and ninety-three.

D. TUCKER BROOKE,
Judge corporation court, city of Norfolk, Virginia.

Virginia:

In the clerk's office of the corporation court of the city of Norfolk, on the third day May, eighteen hundred and ninety-three:

The foregoing charter of the Norfolk wharf, warehouse and terminal company was this day received and duly recorded, and is hereby certified to the secretary of the commonwealth for record in his office according to law.

Teste: LAW. L. WARING, D. C.

One hundred and forty two dollars and fifty cents.

Commonwealth of Virginia,
Office of the Auditor of Public Accounts,
Richmond, May fifth, eighteen hundred and ninety-three.

This is to certify that W. A. Young, clerk of the corporation court of Norfolk city, has paid into the treasury one hundred and forty two dollars and fifty cents, fee on charter of Norfolk wharf, warehouse and terminal company, less his commission.

GEO. V. MONCURE,
acting auditor of public accounts.

Commonwealth of Virginia, May fifth, eighteen hundred and ninety-three.

Charter lodged and recorded.

H. W. FLOURNOY.
Secretary of Commonwealth.

And whereas it is desired to change the name of said company and to extend its powers as hereinafter set forth; therefore,

1. Be it enacted by the general assembly of Virginia, That the said charter of the Norfolk wharf, warehouse and terminal company is hereby ratified and confirmed.

2. That said company shall be known by the name of the Norfolk terminal and transportation company, or such other name as the stockholders of said company may hereafter choose, and may connect, consolidate or merge with any wharf, warehouse, railway,

steamship or other transportation company doing business in or near Norfolk.

3. Said company shall have the power to connect its works with those of any other transportation company, and to construct, maintain and operate such lines of railway as may be necessary for its business, and to acquire, use and occupy any of the streets of the city of Norfolk; provided that before said company shall begin to construct its railway or other improvements upon or in any of said streets the consent of the councils of said city shall be obtained thereto, and under such terms and regulations as said councils may prescribe.

4. Said company is further authorized to construct, purchase, or lease and operate a branch railway from any of its works in the city of Norfolk by the most available route to Sewell's Point, or such other point on Hampton Roads, or the Elizabeth river, as may be deemed most convenient for the interchange of passengers, freight, and other traffic with steamboat lines, barges, and vessels of all kinds, and it may also maintain and operate a line of steam or other vessels between the port of Norfolk and Newport News, Fort Monroe, Hampton, and any other port or ports, foreign or domestic; and it shall have the right to connect with any other transportation or railroad company; provided, however, that the work of construction of any railroad authorized by this section shall be commenced within two years and completed within five years from the first day of July, eighteen hundred and ninety-six.

5. Said company is further authorized to construct, own, use, transfer, and otherwise enjoy wharves, docks, warehouses, piers, elevators, passenger and freight depots, and all other terminal facilities in the city of Norfolk, and to connect such improvements with each other and to make any and all contracts with any such transportation, wharf, warehouse or terminal company as may be convenient for the proper transaction of the business of the company.

6. Said company shall have the right and power to acquire, by condemnation, such lands to be used for wharves, docks, piers, depots, and other terminal facilities as may be necessary for the proper and convenient conduct of its transportation business, and all necessary rights of way for the railways hereinbefore authorized.

7. The capital stock of said company and bonds issued under any mortgage or either of said stock or bonds may be issued, subscribed for, sold or otherwise disposed of in such manner and for such prices and upon such terms as the stockholders in general meeting may direct.

8. This act shall be in force from its passage.

CHAP. 180.—An ACT to amend and re-enact sections 1, 3, 9 and 10 of an act of the general assembly of Virginia, entitled an act to incorporate the Buckroe, Phoebus and Hampton railroad company.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That sections, one, three, nine and ten of an act of the general assembly of Virginia entitled an act to incorporate the Buckroe, Phoebus and Hampton railroad company, be amended and re-enacted so to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That J. A. Watkins, George Booker, Matthew Armstrong, R. M. Booker, C. T. Holtzclaw, W. T. Gatewood, John B. Lake, P. T. Woodfin, R. E. Boykin and Irwin Tucker, and such other persons as may be associated with them, and their successors, be, and they are hereby, constituted a body corporate and politic by the name of the Old Point beach railroad company.

§ 3. The said company shall have power and authority to construct, equip, maintain and operate a railroad in the county of Elizabeth City, state of Virginia, from the intersection of Mallory street and the public road, in that part of the said county known as Boyhan's corner, to a point on the Chesapeake bay known as Buckroe beach.

§ 9. It shall not be necessary to publish that books will be opened for subscription to the capital stock of the said company, but when, and so soon as, the minimum amount of the capital stock of the said company shall have been subscribed for, such subscribers may organize and shall be authorized to proceed with the construction of the said railroad.

§ 10. The said company shall commence the construction of the said railroad within one year and complete the same within three years from the passage of this act.

2. This act shall be in force from its passage.

CHAP. 161.—An ACT to authorize Fairfield school district, in the county of Henrico, to issue bonds for the payment of a building for a graded school.

Approved January 27, 1896.

Whereas it has become necessary for the Fairfield school district, in the county of Henrico, to erect a schoolhouse suitable to a large graded school; and

Whereas some doubt has arisen as to whether the present board of school trustees have a right to issue bonds or notes for such purpose beyond one year from the time such bonds are issued; and

Whereas it is to the advantage and benefit of such school district to issue notes or bonds for a longer period: therefore,

1. Be it enacted by the general assembly of Virginia, That Fair-

field school district of Henrico county be, and the same is hereby, authorized to issue bonds or notes aggregating a sum not exceeding eight thousand two hundred and fifty-nine dollars, negotiable and payable out of the school funds of said district, in installments at one, two, three, four, five and six years after date, to provide funds to pay for a building erected for the purposes of a graded school in said district.

2. This act shall be in force from its passage.

CHAP. 162—AN ACT to provide a quarantine for convicts in the penitentiary and prisoners in the jails of the commonwealth, in case of any contagious or infectious diseases, breaking out among convicts and prisoners dangerous to the public health.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the governor of the commonwealth of Virginia, upon the application of the superintendent of the penitentiary, when requested in writing so to do by the physician at said institution, to have removed from said penitentiary any felon or prisoner serving a term of imprisonment who has contracted any such contagious or infectious disease dangerous to the public health, to some place to be designated by the said governor, and when any such prisoner is so removed he shall be safely kept and treated for said disease, and as soon as he recovers his health be returned by said superintendent to said penitentiary, unless the term of his imprisonment has expired during his quarantine, in which event he shall be discharged, but not until all danger of his spreading contagion has passed.

2. The judges of the county and corporation courts of the commonwealth are likewise authorized and empowered to have removed from the jails of their respective counties and cities, upon the application of the keeper of the jail, when requested so to do in writing by the physician doing the practice at the jail in question, all felons or prisoners serving terms of imprisonment in said jail, and all persons, who may be confined in said jail and awaiting trial, who have contracted any such contagious or infectious disease dangerous to the public health, to some place designated by the judge of the county or corporation court, as the case may be, wherein it exists, and when said prisoners are so removed they shall be safely kept, and receive proper care and attention, including medical treatment, and as soon as they are restored to health they shall be returned to the jail from whence they were moved, unless the term of those who have been convicted of any offence should expire during the time of their quarantine, in which event they shall be discharged, but not until all danger of their spreading contagion has passed. All expenses incurred under and by reason of this act, shall, as to prisoners taken from the penitentiary, be borne by the state, and as to persons taken from the jails of counties and corporations, be paid by the respective cities and counties.

CHAP. 163.—An ACT to authorize the Crockett Springs company to appoint police agents.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That on application of the president of the Crockett Springs company, of Roanoke, Virginia, a company duly incorporated under the laws of this state, the judge of the county court of Montgomery county shall appoint one or more police agents, who shall have authority upon and within four hundred yards of said company's property, in said county, to exercise all the powers which can lawfully be exercised by any constable for the preservation of the peace, the arrest of offenders and disorderly persons, and the enforcement of the law against crime. The cost of these appointments shall be borne by the company aforesaid.

2. This act shall be in force from its passage.

CHAP. 164.—An ACT to authorize the trustees of the Gravel Springs Evangelical Lutheran church, in Frederick county, to receive a donation of \$1,000, and invest the same.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That the trustees of the Gravel Springs Evangelical Lutheran church, in Frederick county, be, and they are hereby, authorized to accept a donation of one thousand dollars on such terms and conditions as the donor in his deed of gift may prescribe.

2. The said trustees shall invest said sum of money in such manner and on such security as said deed of gift may direct, and the income thereof shall be used by said trustees for the benefit of the congregation of said church as the deed of gift may require.

3. The said trustees may, in their own name, sue for and recover said money, and any part thereof, and may recover and sue for any loans and investments that may be made of it, or of any part thereof, and may be sued in relation to the same. Such suit, notwithstanding the death of any of the said trustees or the appointment of others, shall proceed in the name of the trustees by or against whom it was instituted.

4. Any one or more members of said congregation may, in his or their name, on behalf of said congregation, commence and prosecute a suit in equity against such trustees to compel them to invest said money, and to use the income thereof for the use and benefit of said congregation as such deed of gift shall require. No member of said congregation need be made a defendant to such suit, but in other respects the same shall be proceeded in, heard and determined as other suits in equity, except that it may be proceeded in notwithstanding the death of the plaintiff, as if he were living.

5. This act shall be in force from its passage.

CHAP. 165.—An ACT to incorporate the Chesterfield railroad company.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That Augustine Royall, I. P. Gilliam, George E. Gary, R. G. Wood, and M. A. Cogbill, all of the county of Chesterfield, and such persons and corporations as they may associate with them, and their successors, be, and they are hereby, constituted a body politic and corporate by the name of the Chesterfield railroad company, and as such shall have all the rights, powers, privileges, and immunities of a corporation under the laws of the state of Virginia.

2. The said company may construct, equip, and maintain a railroad from Petersburg, or some point on the Appomattox river opposite to or near the said city of Petersburg, to the city of Richmond, or some point on James river opposite the said city of Richmond or into the city of Manchester, or from the latter point to the city of Petersburg, for the transportation of passengers and freight, or either of them, by electricity, steam, or any other power hereinafter discovered that may be adapted to the uses of the company, and for such transportation may charge fares or tolls.

3. A majority of the corporators hereinbefore named may organize the said company by electing a president and board of directors, who shall hold office for one year, or until their successors are elected, and may elect and appoint such other officers as may be necessary for the management of the company's business and affairs, and thereupon they shall have and exercise all the general powers and functions of a corporation, but they shall provide for the payment of taxes on charter and other expenses of organization before the books of subscription are opened.

4. The directors of said company, elected as provided in the preceding section, shall have power to fix salaries or compensation of the officers, to receive subscriptions and issue capital stock of said company from time to time as they may deem expedient until the said stock has been fully taken, and it shall be lawful for said directors to accept in payment for such subscription, either in whole or in part, money, services, labor, material, land, bonds, land or other damages, or such other property as may be available for the purposes of said company, or they may pay for the same in stock.

5. The capital stock of the said company shall not be less than fifty thousand dollars, nor more than one hundred thousand dollars, to be divided into shares of the par value of one hundred dollars each, and every share shall be entitled to one vote.

6. It shall be lawful for the directors of the said company to issue bonds or other evidences of debt, and to secure payment of the principal and interest of the same by mortgages or deeds of trust upon the franchises and property of said company; and the said company may have its bonds endorsed and guaranteed by trust companies to other corporations, and may pay for such endorsement and guarantee in money or in stock of the said company, or both, as they may elect.

7. The said company may consolidate with any other transportation, traction, or railroad company which is not a competing line, and may construct, equip and maintain lateral branches of said railroad of not more than twenty miles in length to any coal mine, manufacturing establishment, or to any dock on deep water in the county of Chesterfield.

8. The construction of the railroad hereinbefore authorized shall be commenced within two years and completed within five years from the passage of this act.

9. All taxes and other demands due the state by said company shall be paid in lawful money of the United States, and not in coupons.

10. This act shall be in force from its passage.

CHAP. 166.—An ACT to authorize the board of supervisors of Middlesex county to borrow money to build a public free bridge over Urbanna creek.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That it may be lawful for the board of supervisors of Middlesex county to borrow a sum of money, not to exceed two thousand dollars, and to issue the bonds of the county, redeemable in not longer than two years, and bear a rate of interest not to exceed six per centum per annum, to build a public free bridge over and across Urbanna creek, at the town of Urbanna.

2. The bonds authorized to be issued under this act shall be signed by the chairman of said board, and countersigned by the clerk of the county court of Middlesex, with the county seal annexed; said bonds not to be sold at less than their face value.

3. This act shall be in force from its passage.

CHAP. 167.—An ACT to authorize the board of supervisors of Middlesex county to build a public free bridge over Urbanna creek.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Middlesex county be, and they are hereby, authorized and permitted to build a public free bridge over and across Urbanna creek, to connect the public road in Urbanna with the public road on the south side of the said creek; a suitable and convenient draw to be constructed in said bridge so that navigation in the channel of said creek shall not be obstructed or impaired.

2. This act shall be in force from its passage.

CHAP. 168.—An ACT to amend and re-enact section 15 of an act entitled an act to amend the following acts: An act to incorporate the town of Rocky Mount, approved February 17, 1873; an act to amend the act of February 17, 1873, approved April 28, 1874, and an act amending and re-enacting section 2 of the act approved April 28, 1874, approved March 4, 1884, approved February 18, 1888.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That section fifteen of the act entitled an act to amend the following acts: An act to incorporate the town of Rocky Mount, approved February seventeenth, eighteen hundred and seventy-three, an act to amend the act of February seventeenth, eighteen hundred and seventy-three, approved April twenty-eighth, eighteen hundred and seventy-four, and an act amending and re-enacting section two of the act approved April twenty-eighth, eighteen hundred and seventy-four, approved March fourth, eighteen hundred and eighty-four, approved February eighteenth, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows:

§ 15. The council of the town shall have the authority to impose a specific license tax upon all resident professional men, practicing their profession in any way within the corporate limits; to prescribe all pursuits which may not be followed within the corporate limits without a license as a requisite, and to fix the terms upon which the licenses shall issue.

2. All laws or parts of laws of the state of Virginia in conflict with the foregoing are hereby, to that extent, repealed.

3. This act shall be in force from its passage.

CHAP. 169.—An ACT to amend and re-enact section 2225 of the code of Virginia, relating to marriage within certain degrees.

Approved January 28, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-two hundred and twenty-five of the code of Virginia, relating to marriage within certain degrees, be amended and re-enacted so as to read as follows:

§ 2225. The same. No woman shall marry her father, grandfather, step-father, brother, son, grandson, half-brother, uncle, daughter's husband, husband's son or his grandson, or stepson, brother's son, or sister's son.

If any woman shall have heretofore married her brother's or sister's deceased daughter's husband, such marriage is hereby declared legal and valid, and exempt from the penalties prescribed by existing laws.

2. This act shall be in force from its passage.

CHAP. 170.—An ACT to amend and re-enact section 177 of the code in relation to bonds taken by courts and officers.

Approved January 28, 1896.

1. Be it enacted by the general assembly of Virginia, That section one hundred and seventy-seven of the code be amended and re-enacted so as to read as follows:

§ 177. Bonds taken by courts and officers; their provisions and conditions.—Every bond required by law to be taken or approved by or given before any court, board or officer, unless otherwise provided, shall be made payable to the commonwealth of Virginia, with surety deemed sufficient by such court, board or officer. Every such bond required of any person appointed to or undertaking any office, post or trust, and every bond required to be taken of any person by an order or decree of court, unless otherwise provided, shall be with condition for the faithful discharge by him of the duties of his office, post or trust, and when required to be taken or approved by or before the governor, a court or the clerk of a court, shall be proved or acknowledged before the governor or court or clerk, as the case may be, and recorded by the secretary of the commonwealth in the first case, or by the clerk of the court in the other cases; and where the bond is taken under an order or decree in a pending cause a certified copy thereof shall be filed in the cause by the clerk and charged as costs therein. Every such bond shall contain, as to the respective obligors, such a waiver as is provided for in section thirty-six hundred and forty-seven, and also of any claim or right to discharge any liability to the commonwealth arising under said bond or by virtue of said office, post or trust with coupons detached from bonds of this state. *In any such bond the liability of the surety or sureties may be limited to such sum or sums as they may respectively require.*

2. This act shall be in force from its passage.

CHAP. 171.—An ACT to incorporate the American central trunk line railroad company.

Approved January 28, 1896.

1. Be it enacted by the general assembly of Virginia, That P. W. Reherd, L. D. Winston, W. H. Rickard, E. Purcell, junior, and P. H. McCaull, and their associates, successors and assigns, be, and they are hereby, made and declared a body politic and corporate by the name and style of the American central trunk line railroad company.

2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and

may from time to time be increased by the board of directors to any amount not exceeding two millions of dollars.

3. The said American central trunk line railroad company is authorized and empowered to locate, construct, equip and operate a railroad of standard gauge, with a single or double track, commencing at any point it may select on or between the Potomac and York rivers, and run thence by the most practicable, eligible, and direct route deemed advisable by the directors of said company to such point as it may select on the West Virginia state line. And it shall be lawful for said company to construct and maintain lateral or branch roads of standard or narrow gauge not exceeding twenty miles each in length, which shall have all the rights and powers and be subject to the same restrictions as the main line.

4. The said company shall have power to borrow money or issue and sell bonds from time to time on such terms as the board of directors may deem proper and necessary in the prosecution of any of its works, and to secure the payment of said loan or loans of bonds the said company may create one or more mortgages or deeds of trust on the whole or any part of its property, chartered rights, and franchises.

5. The said company may receive subscriptions to its capital stock in land, property, materials and equipment, at such valuation and upon such terms as may be agreed upon between the said company and the subscribers, and may exchange its bonds therefor, and may hold, improve, sell, or convey at pleasure all lands so acquired; provided that said company shall not hold land not needed for the purposes of its incorporation for a longer period than twenty years.

6. Any county, city, or town on or near the line of railroad of said company may subscribe to its capital stock in the mode prescribed by law.

7. The said company shall have power to cross at grade, over, or under, any other railroad now constructed or which shall be hereafter constructed within this state at any point on its route, subject to the provisions of the general law of this state; to unite its road with any of said roads, and to enter upon the ground of such railroad companies with the necessary turnouts, sidings, switches, and conveniences in furtherance of the objects of its construction, as well as to facilitate the economical exchange of passengers and traffic between the respective roads: provided, that the acquisition of any of the real estate of another company shall be in the mode prescribed by the law of this state.

8. It shall be lawful for said company to consolidate with or lease or purchase the works, property, franchises, and privileges of any other railroad company, in or out of the state of Virginia, whose line of railroad connects or will connect with the railroad hereby authorized to be constructed; and any railroad company heretofore incorporated in the state of Virginia whose line of railroad connects with or will connect with the railroad hereby authorized to be constructed, is hereby authorized to consolidate with, or to sell to, or lease its works, property, franchises, and privileges to the said the American central trunk line railroad company: provi-

ded, that such consolidation, lease, or purchase, or sale, shall be made only upon such terms and conditions as shall be agreed upon by a majority of the stockholders of each of said companies; and provided, further, that the company hereby incorporated shall never by reason of consolidation with any other company, lose its identity or cease to be a domestic corporation subject to the jurisdiction of the courts of this state.

9. The corporators in this act shall constitute the board of directors for the first year, and shall continue in office until their successors shall be elected and qualified. They shall have the power and authority of a president and board of directors for the purpose of organization and for all other purposes incidental thereto. They shall elect one of their number president of the board, and may appoint such officers as they may deem proper. They shall fill any vacancy that may occur in the board or in the office of president, and may receive subscriptions to the capital stock of the company. Whenever one hundred thousand dollars of the capital stock shall have been subscribed and the tax on the charter paid, the board of directors shall proceed to organize the company by the election of a president, vice-president, secretary, treasurer, and such other officers and agents as may be required; thereupon the said company shall be considered legally organized, and shall have all the general powers conferred upon corporations and chartered companies by the laws of this state, and shall be subject to all of the provisions thereof except so far as the same are modified or are inconsistent with this act.

10. The board of directors of said company is authorized, at any meeting when a majority of the board of directors are present, if they deem it advisable, to change the name of said company.

11. All taxes which may be assessed against said company shall be paid in lawful money of the United States, and not in coupons, and the general assembly of Virginia reserves the right to alter or repeal this act at any time hereafter. Construction shall begin within two years, and be completed in five years from the passage of this act.

12. This act shall be in force from its passage.

CHAP. 172.—An ACT to amend the charter of the Chesapeake land and improvement company.

Approved January 29, 1896.

Whereas the Chesapeake land and improvement company was duly chartered by the circuit court of the city of Richmond, Virginia, October twenty-third, eighteen hundred and eighty-five; and

Whereas the said company desires to change the place where the chief business of the company is to be transacted from Richmond, Virginia, to Newport News, Virginia; therefore,

1. Be it enacted by the general assembly of Virginia, That section

five (5) of the charter of the Chesapeake land and improvement company be amended so as to read as follows:

§ 5. Newport News, Virginia, is to be the place where the principal office of the said company is to be kept and the chief business to be transacted.

2. This act shall be in force from its passage.

CHAP. 173.—An ACT to consolidate in one act all acts creating and amending the charter of the city of Lynchburg, and to create a new charter for said city.

Approved January 29, 1896.

1. Be it enacted by the general assembly of Virginia, That all acts creating and amending the charter of the city of Lynchburg, in the county of Campbell, be, and the same are, hereby consolidated into one act, in manner and form following, which shall constitute a new charter for said city.

CHAPTER I.

Corporate Limits.

The territory contained within the limits prescribed by the act approved December nineteenth, eighteen hundred and seventy, and entitled an act to extend and define the boundaries of the city of Lynchburg, and by any other act which may be hereafter passed by the general assembly, altering or enlarging such boundaries, shall be deemed and taken as the city of Lynchburg; and the inhabitants of the city of Lynchburg, for all purposes for which towns and cities are incorporated, shall continue to be one body politic, in fact and in name, under the style and denomination of the city of Lynchburg, and as such shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations now appertaining to and incumbent on said city as a municipal corporation.

CHAPTER II.

General Provisions.

1. The city of Lynchburg and its inhabitants shall be exempt from all assessments for levies in the way of taxes imposed by the authorities of Campbell or Amherst counties for any purpose whatever, except upon property in the said counties owned by the inhabitants of said city, nor shall said inhabitants be liable to serve upon juries in said counties.

2. Unless otherwise specially provided, the persons holding any of the offices provided for in this charter, which offices have existed under the charter heretofore in force, shall continue to hold the same under their previous election or appointment until the term of such office as herein provided shall expire, dating the commence-

ment of such term from the time fixed in said former charter; and all ordinances and laws in force immediately before the passage of this charter, so far as is consistent herewith, and all liabilities, rights, actions, claims, contracts and prosecutions arising thereunder shall remain and continue as if this act had not been passed.

CHAPTER III.

Government.

The government of the city of Lynchburg shall be vested in a mayor, a council, aldermen, and such boards and officers as are permitted or required by law, and may be constituted and appointed by said council.

CHAPTER IV.

Elections, oaths of office, bonds, and so forth.

1. The election of all the municipal officers who are chosen by the vote of the people shall be held at the intervals and on the days prescribed for such elections by the laws of the state.

2. In case of a vacancy arising in any municipal office hereinafter mentioned, except as otherwise provided, it shall be the duty of the council to certify the same to the judge of the corporation court, who shall issue his writ for an election to fill such vacancy in the manner prescribed by the general election laws of the state.

3. Whenever any special election shall be ordered by the city council for any object not provided for in the general election laws of the state, they shall communicate their order for the same to the judge of the corporation court, and the same proceedings shall be had by it as are provided by law for special elections to fill vacancies in any municipal office.

4. The mayor, members of the city council, and all other officers of the city, whether elected by the people or the council, before entering upon the duties of their respective offices, shall be sworn in accordance with the laws of the state. Such oaths may be administered by any person competent to administer an oath under the laws of the state, and a certificate of such oaths having been taken shall be filed by each officer with the clerk of the council, who shall enter the same upon the journal of the council. If any person, appointed or elected to any office in said city, shall neglect to take such oath for thirty days after receiving notice of his election or appointment, or shall neglect for the like space of time to give such securities as may be required of him by the city council, as hereinafter provided, or as may be hereafter required by any law or ordinance, his office shall be deemed vacant, and there shall be another appointment or election for the same.

5. All persons elected by the people to fill any municipal office shall enter upon the duties thereof on the first day of July next succeeding their election, and shall respectively continue in office until their successors have qualified.

6. No person shall be eligible to any municipal office unless he be a resident of the city, and has so been for six months before his

election; and the removal from the city of any one holding any such office shall vacate the same.

7. The following officers shall give to the city bonds with sureties to be approved by the council, conditioned so as to secure the faithful discharge of their official duties, and the several penalties of said bonds shall be not less than the sums named below, but may, at the will of the council, be greater—to-wit:

The mayor, five thousand dollars; the treasurer, fifty thousand dollars; the collector, fifty thousand dollars; the city auditor, twenty thousand dollars; the commissioner of the revenue, twenty thousand dollars; the city engineer, five thousand dollars; the high constable, one thousand dollars.

And any person holding a municipal office, whether such office is enumerated above or not, and whether such office now exists or be hereafter created by act of assembly or ordinance of the city, may be required by the council, subject to the above limitations, to give such official bond as it may deem proper. The bonds provided for under this section are only to secure official duties to the city, and in no wise are to supersede the official bonds to the commonwealth required of any of said officers by law. All official bonds given by municipal officers shall be filed with the city auditor, except that of the auditor, which shall be filed with the clerk of the corporation court.

8. In case of default on the part of any bonded municipal officer, the city shall have the same remedies upon his bond against him and his sureties as are provided for the state in enforcing the penalty of any official bond given to it.

9. The treasurer, collector, commissioner of the revenue, and high constable may each appoint one or more deputies, provided such appointments meet the approval of the council; but the sureties of said officers, respectively, shall be equally liable for the acts of said deputies as for those of their principals.

CHAPTER V.

Corporation Court—Mayor, his duties, and so forth.

1. The jurisdiction of the corporation court shall extend to the corporate limits of the city and to a space of one mile without and around said limits, except that the same shall not extend further into the county of Amherst than the corporate line.

2. The mayor shall be elected by the qualified voters of the city for the term of two years. His salary shall be fixed by the ordinances of the city, and paid as therein directed; and the salary of a mayor shall not be diminished during his term of office.

3. The duties and powers of the mayor with reference to his supervision of the conduct of municipal officers and the general affairs of the city shall be such as are prescribed by the constitution and laws of the state.

4. It shall be his duty to enforce the laws and ordinances of the city and all orders and resolutions of the council.

5. He shall report to the council, as often as it may require, "

moneys received by him from fines, forfeitures, and taxes under the ordinances and laws of the city, and shall pay the same over at such times as he may be required.

6. In criminal cases under the laws of the state he shall exercise all the power and authority of a justice of the peace within the limits of the jurisdiction of the corporation court as given above, and in enforcing the laws and ordinances of the city he shall have authority to impose and collect all fines and penalties, and inflict such other punishments as by said laws and ordinances are ordered as a penalty for any breach thereof.

7. In civil suits his jurisdiction within the corporate limits shall be that of a justice of the peace, and when the matter in controversy, exclusive of costs, does not exceed twenty dollars, his judgment shall be final.

8. An appeal from the judgment of the mayor in imposing penalties for infraction of the city ordinances may be taken to the corporation court of the city, except in cases where the penalty imposed is a fine not exceeding twenty dollars, in which cases it shall be final.

9. The mayor shall have power to enforce the payment of any fine or penalty imposed by him for any infraction of a city ordinance by imprisonment in the city jail.

10. The mayor shall hold a court every day, except Sunday, to take cognizance of such cases as may be brought before him under the laws of the state or the ordinances of the city.

11. Whenever the mayor shall remove or suspend any city officer he shall report the fact, with his reasons therefor, to the council at its next regular meeting.

12. In case of the absence or inability of the mayor, the president of the council or such aldermen as may be designated by the council, shall act as mayor, and shall possess the same powers and discharge the same duties as the mayor during such absence or inability.

13. In case a vacancy occurs in the office of mayor the same shall be filled by the council until such vacancy is filled by an election by the people according to law.

14. The corporation court of the city may remove the mayor from office for malfeasance, misfeasance, and gross neglect of official duty, and such removal shall be deemed a vacation of the office. All proceedings under this section shall be by order of or motion before said court, upon reasonable notice to the party to be affected thereby.

15. Every such act, ordinance, resolution, and proceeding of the council as is described in section five of chapter six of this charter shall be submitted to the mayor for his approval or disapproval. If he approve the same he shall sign it, and forthwith return it. If he disapprove it, he shall within three days, excluding Sundays, return it to the council with his objections in writing, and the clerk of the council shall immediately endorse on it the precise date of such return. If the mayor shall fail so to return within three days any such act, ordinance, resolution, or proceeding with his approval or his objections, the same shall take effect as if it had been approved and returned as aforesaid.

CHAPTER VI.

City Council—Powers, Duties and so forth.

1. The council of the city shall be composed of five members from each ward, who shall be elected by the electors of their respective wards, and shall continue in office two years.

2. The council shall elect one of its members to act as president, who shall preside at its meetings, and when he shall from any cause be absent or unable to act it may appoint a president pro tempore. The president may at any time call a meeting of the council, and, in case of his absence, inability, or refusal, the council may be convened by the order, in writing, of any three members addressed to its clerk. The members of the city council shall receive no compensation for their services.

3. The council shall have authority to adopt such rules and appoint a clerk and such other officers as it may deem proper and necessary for the regulation of its proceedings and the convenient transaction of business, to compel the attendance of absent members, to punish members for disorderly behavior, and, by a vote of two-thirds of its whole number, to expel a member for misconduct in office. It shall keep a journal of its proceedings, and its meetings shall be open, except when the public welfare requires secrecy.

4. A majority of the members of the council shall constitute a quorum for the transaction of business, but in any vote on any ordinance, resolution or other proceeding looking to the appropriation of money, the imposition of taxes or assessments, or the contracting of any debt or obligation on behalf of the city, the yeas and nays shall be entered on the record, and no such ordinance, resolution or proceeding shall be passed, except in cases where greater vote is required, unless the same shall receive the votes of a majority of the whole number of members elected. No vote shall be rescinded or reconsidered at a special meeting unless there be then present as many members as were present when such vote was taken. No ordinance, resolution, or motion which creates, continues, or revives any appropriation of money or property, or releases, discharges, or commutes any claim or demand of the city shall have any force or effect unless the same shall receive the votes of the majority of all the members elected to the council.

5. Every general ordinance, and every ordinance, resolution, motion, or other proceeding looking to the appropriation of money other than for the payment of salaried officers, to the imposition of taxes or assessments, the contracting of any debt or obligation on behalf of the city, the continuance or revival of any appropriation of money or property, or the release, discharge, or commutation of any claim or demand of the city, shall be presented to the mayor for his approval. Upon the return of any such ordinance, resolution, motion, or other proceeding by the mayor with his objections, if two-thirds of all the members elected to the council shall be of opinion that the same ought to be passed, it shall, notwithstanding the objections of the mayor, become a law.

6. Upon the announcement by the president of the adoption of resolutions or ordinances having for their object the increase of the indebtedness of the city or the expenditure of its revenue, except in the payment of its salaried officers, any two councilmen may give notice of a motion to reconsider, which motion shall delay the question until said reconsideration can be acted on at the next regular meeting of the council.

7. The council shall have all the general powers vested in it by the laws of the state, and shall further have power—

(1) To fill vacancies in its body, and any person appointed to such vacancy shall hold during the unexpired term of the person in whose place he may be appointed.

(2) To control and manage the fiscal and municipal affairs of the city, and all property, real and personal, belonging to the city, and may make such ordinances, orders, and by-laws relating to the same as it may deem proper and necessary.

(3) To purchase, hold, sell, and convey all real and personal property necessary for its uses and purposes.

(4) To establish markets in the city and regulate the same, and to enforce such regulations in regard to the keeping and sale of fresh meat, vegetables, eggs, and other green groceries, and the trade of hucksters and junk dealers, as may be deemed advisable.

(5) To erect in or near the city suitable work-houses, houses of correction or reformation, and houses for the reception and maintenance of the poor and destitute. It shall possess and exercise exclusive authority over all persons within the limits of the city receiving the benefits of the poor law; appoint officers and other persons connected with any institution or house which it may establish, and regulate pauperism within the limits of the city; and the council, through a board of overseers of the poor, or such other agencies as it may appoint for the direction and management of the poor of the city, shall exercise the powers and perform the duties vested by law in overseers of the poor.

(6) To erect and keep in order all necessary public buildings, and to establish and regulate public squares and parks in or near the city, and may acquire by purchase, through condemnation or otherwise, the land it may deem necessary for such uses.

(7) To establish or enlarge water-works or gas-works within or without said city; to contract with the owners of land for the use or purchase thereof, or to have the same condemned for the location or enlargement of said works, or the pipes or fixtures thereof; to protect from injury or pollution, by proper penalties, said works, or anything connected therewith within or without said city, and under this authority to prevent the pollution of the water in the river by prohibiting the throwing of filth or offensive matter therein for a distance of six miles above the limits of the city.

(8) To establish or acquire by purchase and to operate within or without the corporate limits suitable works for the generation of electricity for illuminating or other purposes, and to supply the same to consumers in or near the city at such price and on such terms as

it may prescribe, and to that end may contract with owners of land for the use thereof, or may have the same condemned.

(9) To take care, supervision and control of streets, squares and commons, and to close, extend, widen, narrow, lay out, pave, graduate, improve and otherwise alter the streets in said city; have the streets properly lighted and kept in good order; make or construct sewers or public ducts through the same, or wherever else they may deem expedient; build bridges in or culverts under said streets or alleys; prevent or remove obstructions or encroachments over, under, or in the same; plant shade trees along the same, and prevent the cumbering of streets, alleys, walks, public squares, lanes, or bridges in any manner whatever.

(10) To permit railroads to be built and to determine and designate the route and grade thereof; to permit poles for electrical purposes to be erected, gas and steam pipes to be laid in the streets, and to prescribe an annual license charge for the privileges granted hereunder; to regulate the speed of engines and cars upon the railroads within the city, and to wholly exclude the same when the welfare of the city may demand it.

(11) To provide for the weighing of hay, fodder, oats, shucks, or other long forage, and live stock, and the measuring of wood and lumber.

(12) To require every merchant or trader in property of any description which is sold by measure or weight, to have his weights and measures sealed by the city sealer.

(13) To provide or aid in the support or maintenance of public free schools; to appoint the school board for the city and to designate the age of pupils to be admitted into the public schools, and the grade of such schools.

(14) To grant aid to military companies maintained within the city, to associations for the advancement of agriculture or the mechanic arts, to scientific, literary, educational, or benevolent organizations or institutions, and to public libraries: provided that all such societies, organizations, or institutions, be located in or near the city; and provided, further, that no appropriation for such purposes shall be made nor shall aid be otherwise granted through exemption from municipal taxation, or from charge for the use of water or light furnished by the city, or through the extension of light or water facilities, either with or without charge, beyond the city limits, unless two-thirds of all the members elected to the council vote therefor.

(15) To secure the inhabitants from contagious, infectious, or other dangerous diseases to establish a quarantine ground, to provide and maintain hospitals, to compel the removal of patients to the same, to appoint and organize a board of health, define its duties, and grant to it the necessary authority effectually to discharge them.

(16) To provide for the registration of births in the city, and to that end may require physicians, midwives, or parents to report the same to the board of health under such regulations as it may deem proper.

(17) To provide in or near the city lands to be used as burial places for the dead, to improve and care for the same and the

approaches thereto, and to charge for and regulate the use of ground therein, to prohibit the burial of dead within the city and to regulate public cemeteries, and to require the return of bills of mortality by the keepers of all cemeteries in or near the city.

(18) To compel the abatement and removal of all nuisances within the city at the expense of the person or persons causing the same, or the owner or owners of the grounds whereon the same shall be; to prevent or regulate slaughter-houses, tan-yards, soap and candle factories within said city, or the exercise of any dangerous, offensive, or unhealthy business or employment therein, and to regulate the transportation of coal, dirt, and other articles through the streets of the city.

(19) To authorize and regulate the erection of party walls and fences, and to prescribe how the cost thereof shall be borne by coterminous owners.

(20) To direct the location of all buildings for storing explosive or combustible substances; to regulate the sale and use of gun-powder, nitro-glycerine, fireworks, kerosene oil, or other like material; to regulate the exhibition of fireworks, the discharge of fire-arms, and the making of bonfires in streets and yards.

(21) To prevent animals from being kept in or from running at large in the city, and to subject the same to such taxes, regulations, and confiscations as it may think proper.

(22) To prevent the riding or driving of horses or other animals at improper speed; to prevent the flying of kites, throwing of stones, or engaging in any sport or employment in the public streets which is dangerous or annoying to passers by, and to prohibit and punish the abuse of animals.

(23) To restrain and punish drunkards, vagrants, and mendicants.

(24) To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame and gaming houses; to prevent lewd, indecent, and disorderly conduct or exhibitions in the city, and to expel therefrom persons guilty of such conduct who have resided therein less than one year.

(25) To prevent the vending or other disposition of liquors and intoxicating drinks to be drunk in any boat, store, or other place not duly licensed; to forbid the selling or giving to be drunk any intoxicating liquors to any child or minor, without the consent of his parent or guardian, and to impose fines for violation of any such ordinance additional to those prescribed by state laws.

(26) To prevent the coming into the city of persons having no ostensible means of support, or of persons who may be dangerous to the peace and safety of the city, and for this purpose may require any railroad company bringing such passengers to the city to enter into bond, with approved security, that such persons shall not become chargeable to the city for one year, or may compel such company to take them back from whence they came, or compel such persons to leave the city if they have not been in the city more than six months before the order is given.

(27) To regulate and control auction sales, livery stables, slaughter-

houses, theatrical performances, or other public shows or exhibitions, the hiring or use for pay of carriages, carts, wagons, and drays, and the business of hawkers, peddlers, persons selling goods by sample, persons keeping billiard tables, ten-pin alleys, and pistol galleries for profit, and as to such trades, occupations, and employments, or any others of a like nature, may grant or refuse a license as it may deem proper.

(28) To compel persons sentenced to confinement in the jail of the city for petit larceny or other misdemeanors or violations of the city ordinances to work on the public streets of the city, or be sent to the poor-house, there to perform such labor as the overseers of the poor may direct; and, on the requisition of the mayor, it shall be the duty of the sergeant of the city to deliver such persons to the duly authorized agent of the city for such purpose, from day to day as he may be required.

(29) To appoint a city engineer and a city surveyor, and prescribe their respective powers and duties, terms of office, and compensation; but, at the discretion of the council, the offices of engineer and surveyor may be consolidated. The engineer may have such assistants and clerks as the council may approve.

(30) To appoint a collector of city taxes, a city attorney, and such other officers as it may deem proper and necessary, and to define their term of office, powers, duties, and compensation: any office, however, which the council has the power to create it may abolish at any time, whether the term of office of the incumbent has expired or not.

(31) To change the boundaries of the wards and increase the number thereof.

(32) To give names to or alter the names of streets.

(33) To make such regulations and orders as will protect its citizens against danger from unsafe houses or walls, and to that end shall have power to cause to be condemned and taken down any such building or wall, but no such condemnation shall be made, or such house or wall taken down until the owner thereof, or, in case of an infant or insane person, his guardian or committee, be duly summoned before the board of officers of the city, who shall be charged by the ordinances with such duty, and allowed reasonable opportunity to show cause against such action.

(34) To provide for the regular and safe construction of houses in the city for the future.

(35) To designate and prescribe from time to time the parts of the city within which no building of wood shall be erected, and to regulate the construction of buildings in the city so as to protect it against danger from fire.

(36) To prescribe any penalty for the violation of any city ordinance not exceeding three hundred dollars, or three months' imprisonment in the city jail, or both; and to further provide that the parent or guardian of any minor, or the master of any apprentice, shall be subject to fine for any offence committed by such minor or apprentice. Any penalty, which may be imposed for a violation of an ordinance, which shall be above one hundred dollars in amount

shall be prosecuted in the corporation court; penalties under that sum may be imposed by the mayor.

(37) To pass all by-laws, rules and ordinances not repugnant to the constitution and laws of the state which it may deem necessary for the good order and government of the city, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or their property, and to do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity or jurisdiction, which is or shall be granted to or vested in said city or in the council, court or officers thereof, or which may be necessarily incident to a municipal corporation.

(38) To provide for the due publication in the newspapers or otherwise of its ordinances and resolutions.

(39) Concurrently with the board of supervisors of Campbell county, to take care, supervision and control for a distance of two miles from the city limits of all public roads extending from the city into Campbell county, and jointly with said supervisors to close, extend, widen, narrow, lay out, graduate, pave, macadamize, and otherwise improve and alter said roads for such distance, and keep the same in good order and repair, and to condemn the necessary land for this purpose; to make or construct sewers, drains and ducts through the same, or wherever else they deem expedient for the maintaining and preserving thereof; build bridges in or culverts under said roads; prevent or remove obstructions or encroachments in, under, or over the same; plant shade trees along the same, and prevent the cumbering or injuring in any manner said roads, provide for the sprinkling or watering thereof, and do all other things necessary for the proper use and preservation thereof; but the said council of the city of Lynchburg shall in no case have power to expend more than one-half of the amount of money used in the construction and repairing of said roads. The city council shall have authority to pass the proper and necessary ordinances for the carrying out the powers hereby conferred, and to enforce the same by fine, to be inflicted by its mayor or police justice by the same proceedings and in the same manner that violations of city ordinances are now punished, and the city is given the same powers for collecting said fines that it possesses in the collection of fines inflicted for offences committed within its limits, Nothing contained herein shall be construed as compelling the exercise of the powers herein given or as fixing any liability on the said city for the failure to exercise or the improper exercise of the said powers, except damages for the land condemned, which are to be ascertained and fixed in the manner provided by the general laws of the state.

8. (1) The council shall appoint a board of police commissioners, to consist of one person from each ward of the city not a member of its own body, to be chosen from the qualified voters of such ward, and shall prescribe their respective terms of office. When a vacancy occurs in said board, otherwise than by the regular expiration of the term of a member, the council shall fill the vacancy for the unexpired term.

(2) The board of police commissioners shall elect one of their number president, shall keep a record of their proceedings, and shall adopt such rules as they may deem proper for their government in the transaction of their business.

(3) The board shall select from among the electors of the city, subject to the approval of the council, a chief of police, whose pay, duties, and bond shall be such as the council may ordain. The warrant of appointment of said chief of police, when so approved, shall be signed by a majority of the board and filed with the city auditor. The board shall further, upon the nomination of the chief of police, appoint such number of policemen as may be authorized by the council, and shall perform any other duties which the council may delegate to it.

(4) The chief of police and policemen appointed as herein provided shall constitute the police force of the city, and shall hold their respective positions during good behavior or until they are removed by the board.

(5) The police force shall be under the control of the mayor for the purpose of enforcing peace and order and executing the laws of the state and the ordinances of the city. It shall also perform such other duties as the council may prescribe. For the purpose of enabling it to execute its duties every member thereof is hereby made a conservator of the peace and endowed with the powers of a constable in criminal cases and with such other powers under the laws of the state as may be necessary to the discharge of the duties of his office.

(6) The pay, uniform, rules, and regulations for said police force shall be prescribed by the council.

9. (1) The council shall appoint a board of fire commissioners, to consist of one person from each ward of the city not a member of its own body, to be chosen from the qualified voters of such ward, and shall prescribe their respective terms of office. When a vacancy occurs in the board, otherwise than by the regular expiration of the term of a member, the council shall fill such vacancy for the unexpired term.

(2) The board of fire commissioners shall elect one of their number president, shall keep a record of their proceedings, and shall adopt such rules as they may deem proper for their government in the transaction of their business.

(3) The board shall select from among the electors of the city, subject to the approval of the council, a chief engineer, whose pay and bond shall be such as the council may ordain. His warrant of appointment, when so approved, shall be signed by a majority of the board and filed with the city auditor.

(4) The board shall select and enlist upon the nomination of the chief engineer such number of firemen as the council shall authorize, and any vacancy in the force of firemen shall be filled in like manner. The chief engineer and firemen shall retain their positions during good behavior or until they are removed by the board.

(5) The board of fire commissioners shall perform any other duties connected with the fire department which the council may delegate to it.

10. Copies of the ordinances, printed under the authority of the council, and transcripts from such ordinances or from the journal or ordinance book of the council, certified by the clerk thereof, shall be received as evidence for any purpose for which the original ordinances or journal could be received and with like effect.

CHAPTER VII.

Other Officers.

1. There shall be for said city a judge of the corporation court, a commonwealth's attorney, a clerk of the corporation court, a treasurer, a sergeant, and a commissioner of the revenue, each of whom shall be elected in the manner and at the time, and shall hold office for the term, prescribed by law; they shall respectively perform such duties, have such powers, and be liable to such penalties as may be prescribed by the laws of the state or the ordinances of the city made in pursuance thereof.

2. The collector of city taxes, city engineer and surveyor, city attorney, and all other municipal officers which the council has the power to appoint shall be appointed by it at such times and shall hold office for such terms as may be fixed by the ordinances of the city, and their respective duties and compensation shall be fixed by the said ordinances.

3. There shall be elected by the qualified voters of the city of Lynchburg four aldermen from each ward of the city, who shall be residents of their respective wards, and shall be elected by the voters thereof and shall hold office for the term of two years and until their successors be elected and qualified, unless sooner removed from office. The said aldermen shall be conservators of the peace within the city and a space of one mile beyond and around. They shall have the same powers and duties within said limits in criminal cases as are now or may be hereafter allowed by law to justices of the peace in the several counties of this state. In civil cases their jurisdiction shall be confined to the corporate limits of said city, and within said limits shall be equal and co-extensive with that of the mayor of said city, and they shall have the same power as the mayor to enforce the ordinances of the city.

4. There shall be elected by the qualified voters of the city, one high constable, who shall hold his office for the term of two years and until his successor be elected and qualified, unless sooner removed. Said high constable shall keep his office in some convenient place in the city, and shall have the same powers and duties and be subject to the same penalties as are prescribed by law for other constables; and shall further perform such other duties as may be prescribed by the ordinances of the city, for which his compensation shall be fixed by the council.

CHAPTER VIII.

Bonds, Taxes, Sinking Funds, et cetera.

1. The council may in the name and for the use of the city contract debts and cause to be issued therefor notes or bonds; but no

debt of the city shall be payable more than thirty-four years from the date thereof: provided that the council shall not have power to contract debts for the city or issue evidences thereof, whether notes or bonds, for sums which, when added to the debt of the city then existing, shall cause the total amount of the indebtedness of the city to be greater than sixteen per centum of the value of the real and personal estate in the city as assessed for taxation; and provided, further, that the council shall not contract debts or issue any evidences thereof for the purpose of subscribing to the capital stock of any internal improvement company, nor shall it cause the bonds of any such company to be endorsed by the city.

2. No debt shall be created by the council for a longer period than four months, unless the ordinance creating the same shall have been introduced at some meeting of the council at least thirty days before the same is passed; but an amendment to such an ordinance need not lie over for an additional thirty days.

3. For the execution of its powers and duties the council may tax all real and personal property in the city not exempt by law from taxation, all corporations located in the city or having their principal office therein and not exempt by law from taxation, all moneys owned by or credits due to any person living in the city, all capital of persons having a place of business in the city and doing business therein and employed in said business, though the said business may extend beyond the city: provided that so much of said capital as is invested in real estate, or employed in the manufacture of articles, outside the city limits, shall not be taxed as capital; all stocks in incorporated joint stock companies doing business in the city and by whomsoever owned and not exempt by law from taxation; income, interest on money, dividends of banks, or other corporations: provided that no capital, interest, income, or dividends shall be taxed, when a license or other tax is imposed upon the business in which said capital is employed, or upon the principal money credits or stocks from which the interest, income, or dividend is derived; nor shall a tax be imposed at the same time upon stock of a corporation and upon the dividends thereon. Assessment upon stocks and bonds shall be according to the market value thereof.

4. The council may impose a tax of fifty cents per annum upon each male resident of the city who has attained the age of twenty-one years.

5. The council may impose a tax on merchants, commission merchants, auctioneers, manufacturers, traders, lawyers, physicians, dentists, brokers, keepers of ordinaries, hotel keepers, boarding-house keepers, keepers of drinking or eating-houses, keepers of livery stables, photographic artists of all kinds, agents of all kinds, (including the agents of insurance companies whose principal office is not located in the city), sellers of wine and other liquors, venders of quack medicine, public theatrical or other performances or shows, keepers of billiard tables, ten-pin alleys, pistol galleries, hawkers, peddlers, sample merchants, and upon any other person or employment, which it may deem proper, whether such person or employment be herein specially enumerated or not, and whether any tax be imposed

thereon by the state or not. As to all such persons or employment, the council may lay a direct tax or may require a license therefor, under such regulations as it may prescribe, and levy a tax thereon; but the taxes herein authorized shall be subject to the provisions and conditions set forth in the third section of this chapter.

6. The council may subject any person who, without having obtained a license therefor, shall do any act or follow any employment or business in the city, for which a license may be required by ordinance, to such fine or penalty as it is authorized to impose for any violation of its laws.

7. There shall be set apart annually from the revenues of the city a sinking fund equal to one per centum on the aggregate outstanding debt of the city which by its terms is not payable within one year. Said sinking fund, as it accrues, shall be applied to the redemption of said debt: provided that if no part of the same be due or obtainable by purchase at reasonable rates the said fund shall be invested in the bonds of the state of Virginia or of the United States.

8. The council shall not appropriate any part of the sinking fund or its accruing interest otherwise than as mentioned in the preceding section except in time of war, insurrection, or invasion, and then only by a vote of two-thirds of all the members elected to such council.

9. The council may vest in the collector of city taxes and assessments, the collector of water rents, water rates, and water assessments, and any other collector of sums due the city, which it may appoint, any or all of the powers which are now or may be hereafter vested in any collector of state taxes, and may prescribe the mode of his proceeding and the mode of proceeding against him for the failure to perform his duties. No deed of trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed, while such goods and chattels remain in the possession of the grantor, nor shall any such deed prevent the goods and chattels conveyed from being distrained and sold for taxes assessed thereon, no matter in whose possession they may be found.

10. There shall be a lien on real estate for the city taxes assessed thereon from the commencement of the year for which they are assessed. The city council may require real estate in the city delinquent for the non-payment of taxes to be sold for said taxes, with interest thereon and such per centum as they may prescribe for expenses of collection, and they may regulate the terms on which real estate so delinquent may be sold or redeemed: provided that all such sales shall be made subject to the prior lien of the commonwealth for taxes.

11. A tenant from whom payment of taxes on his landlord's property shall be obtained by distress or otherwise shall have credit for the same against such person on account of his rent unless by contract the tenant is to pay such taxes.

12. All moneys received or collected for the use of the city shall be paid over, held, and disbursed as the council may order or prescribe.

11. It shall be the duty of the clerk of the corporation court of

said city annually between the first and fifteenth days of January to furnish the commissioner of the revenue for said city a certified list of all transfers of real estate which have been made in his office during the preceding twelve months.

CHAPTER IX.

Streets, highways, and so forth.

1. The city shall not take or use any private property for streets or any other public purposes without making just compensation for the same, but where the city cannot obtain title to ground necessary for its purposes it may proceed to condemn the same in the mode prescribed by law.

2. No order shall be made and no injunction shall be granted by any judge or court of this commonwealth to stay the proceeding of the city in the exercise of any power herein granted it over its streets and highways, unless it be manifest that it is exceeding its powers and that the interposition of the court is necessary to prevent injury which cannot be adequately compensated in damages.

3. In every case where there has been or shall be encroachment upon a street by a fence, building, or otherwise, the mayor may require the owner to remove the same. If such removal shall not be made within the time ordered, the mayor may impose a penalty, to be fixed by the council, for each day which it is allowed to continue thereafter, and may cause the encroachment to be removed at the risk and cost of the owner.

4. Wherever any ground shall have been opened to and used by the public as a street for ten years it shall be considered as dedicated to the public, and the city shall have the same authority and jurisdiction over and right and interest therein as it has over other streets.

5. When the owner of any property in the city divides the same into lots, reserving streets therein for the use of the public, and places a plat thereof on record clearly showing his intention in regard thereto, it shall be held a dedication thereof to the public use, and the fee in the same shall thereby vest in the city as a part of its streets.

6. No agreement between or release of interest by persons owning the land contiguous to such streets, whether the same has been opened and used by the public or not, shall have the effect of closing such street or to divest the interest of the public therein or the authority of the city thereover.

7. Whenever any new street shall be opened, any existing street graded or paved, or any culvert or other public improvement made, the city council may determine what portion of the expenses thereof shall be paid by the city and what portion by the owners of real estate benefited thereby, and may order that the whole expense be borne by the owners of such real estate. The assessment made against the owners of said real estate for such improvement shall be a lien on said property, and may be collected by the same officer, and in the same manner, as city taxes and levies; but no such public improvement shall be made to be defrayed in whole or in part

by a local assessment unless first requested by a petition signed by at least a majority of the owners of property to be assessed for such improvement or unless, in ordering such improvement, three-fourths of the whole council shall concur.

8. When water mains are laid in a street the council shall have power, for the purpose of meeting the expenses of the water-works of the city, to levy an annual special assessment upon the real estate on both sides of such street: provided such assessment shall not exceed one-quarter of one per centum of its assessed value. But it shall also be authorized to exempt any property from such assessment to which water is supplied and water rates charged.

9. The term "streets," when used in this charter, shall be held to mean streets, alleys, lanes, and all species of public highways.

CHAPTER X.

1. All acts and parts of acts inconsistent with this act are hereby repealed.

2. This act shall be in force from its passage.

CHAP. 174.—An ACT to protect fish in the waters of Roanoke river.

Approved January 23, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to kill or capture mountain trout (*salmo fontinalis*), in the waters of the Roanoke river or its tributaries, between the fifteenth day of September and the first day of April of each year by any process or means whatsoever. Nor shall it be lawful to kill or capture any river bass, commonly called black bass or black perch, in said waters between the fifteenth day of May and the first day of July of each year.

2. It shall be unlawful to kill, or attempt to kill, any fish in said waters with fish limes, lime, dynamite, or any other explosive, or poisons.

3. It shall be unlawful for any person to molest or damage any fish eggs or young fish in the boxes or troughs of the fish commissioners, or their agents, or any private individual engaged in the artificial breeding of fish, or injure the boxes, troughs, dams, or ponds, or other appurtenances so used for such purposes.

4. It shall be unlawful for any one erecting fish-dams or fall-traps to occupy or control more than one-third of the breadth of any stream of said waters where the said trap or dam may be built.

5. Any one violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, either before a justice of the peace or jury on indictment, shall be fined not exceeding ten dollars for each offence.

6. All acts and parts of acts in conflict with this act are hereby repealed.

7. This act shall be in force from its passage.

CHAP. 175.—An ACT to repeal chapter 209 Acts of assembly, 1893-'94, for the protection of fish in Roanoke county.

Approved January 28, 1896.

1. Be it enacted by the general assembly of Virginia, That chapter two hundred and nine, acts eighteen hundred and ninety-three and ninety-four, entitled an act for the protection of fish in Roanoke county, approved February twelfth, eighteen hundred and ninety-four, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 176.—An ACT to repeal an act to authorize the board of school trustees of the Clintwood district, in Dickenson county, to sell and convey present public school-house and lot, and to purchase another and to provide for assessing and collecting a tax on said district for said purpose.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That an act to authorize the board of school trustees of the Clintwood district, in Dickenson county, to sell and convey the present public school-house and lot, and to purchase another and to provide for assessing and collecting a tax on said district for said purpose, approved March eighth, eighteen hundred and ninety-four, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 177.—An ACT to authorize and empower the several boards of visitors to the institutions of this state to investigate the management of their institution, or the conduct of any of its officers or employees.

Approved January 27, 1896.

1. Be it enacted by the general assembly of Virginia, That when ever any board of visitors to any of the institutions of this state now in existence, or that may hereafter be created, deem it necessary or expedient to investigate the management of their institution or the conduct of any of its officers or employees, such board, or a committee of its members selected by the board, shall have the power and authority to send for persons and papers, or to order the attendance of witnesses and compel their attendance, as is now conferred upon a committee appointed by the general assembly, or either branch thereof, by section two hundred and three of the code of Virginia.

2. The oath to be taken by any witness examined by such board or committee may be administered by the president or the presiding officer of the board, chairman of its committee, or the clerk or secretary of the board or committee.

3. All expenses incurred in summoning or in the attendance of such witness shall be paid out of the funds of the institution whose board made or ordered the investigation.

4. This act shall be in force from its passage.

CHAP. 178.—An ACT to amend and re-enact section 457 of the code relative to what real estate exempt from taxation.

Approved January 28, 1896.

1. Be it enacted by the general assembly of Virginia, That section four hundred and fifty-seven of the code of Virginia, relative to what real estate exempt from taxation, be amended and re-enacted so as to read as follows:

§ 457. What real estate exempt from taxation; exception.—All real estate and buildings thereon owned by any religious denominations and used as a church or for divine worship or as a church parsonage, *all reserved burying-grounds not exceeding one-half an acre in area*, public burying-ground appropriated and not for sale, real estate belonging to any county, city or town, to free schools, to the university of Virginia, to the Virginia military institute, to incorporated colleges and academies, to seminaries and other institutions devoted to purposes of education, to private schools or incorporated or joint stock companies where the proceeds are not distributed to private individuals, to the institution for the education of the deaf and dumb and the blind, to lunatic asylums, to orphan asylums, to the ladies' Mount Vernon association, *to the Norfolk county ferries so long as the same is used as a highway, whether leased out for profit or not*, real estate owned by free libraries, and church, masonic, odd-fellows and other like benevolent associations where the proceeds arising from said property are devoted exclusively to charitable or educational purposes, real estate belonging exclusively to the commonwealth, and all real estate used exclusively for the safe-keeping of fire-engines and for the meeting of fire companies, if owned by a fire company or by a volunteer militia company or organization or by a city or town, shall be exempt from taxation: provided, however, that nothing herein contained shall be construed to exempt from taxation any part of a lot or building used for any private purposes or for profit; but where a part of the property or its proceeds is used for charitable or school purposes, then to that extent the same shall be exempt from taxation, and the chief officers or trustees of such associations shall be required to make oath as to what part, if any, of the revenues of the association is devoted to private purposes or for profit; and provided, further, that, although the land upon which

such buildings or improvements are located shall be exempt from taxation under this section, nothing herein contained shall be construed to exempt from taxation the buildings or improvements on any real estate belonging to any county, city or town which are leased out for profit.

2. *All acts or parts of acts in conflict with this act, so far as they are in conflict with this act, are hereby repealed.*

3. This act shall be in force from its passage.

CHAP. 179.—An ACT to amend and re-enact section 666 of the code of Virginia, as amended and re-enacted by an act approved March 5, 1894, in relation to delinquent lands purchased in the name of the auditor.

Approved January 29, 1896.

1. Be it enacted by the general assembly of Virginia, That section six-hundred and sixty-six of the code of Virginia, as amended by the acts of eighteen hundred and ninety-three and eighteen hundred and ninety-four, approved March fifth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 666. When and how lands purchased in the name of the auditor and unredeemed to be sold.—When real estate so purchased in the name of the auditor is not redeemed by the previous owner, his heirs or assigns, or some person having the right to charge the same with a debt, within two years from the date of such purchase, any person desiring to purchase it shall file an application with the clerk of the county or corporation court wherein such real estate is situated for the purchase of such real estate for the amount for which the sale to the commonwealth was made, together with such additional sums as would have accrued from taxes and levies and interest, if such real estate had not been so purchased by the commonwealth, with interest on the amount for which said sale was made at the rate of six per centum per annum from the day of sale, and in the additional sums from the fifteenth day of December in the year in which the same would have accrued; and the clerk shall thereupon make out two copies of such application and deliver them to the sheriff of his county, or sergeant of his corporation, and the sheriff or sergeant shall serve one of said copies on the person in whose name said real estate stood at the date of the sale of it to the commonwealth, or if said person be dead, then on his personal representative, and return the other copy to the said clerk of the county or corporation court with his return thereon endorsed; and if for any reason he cannot serve it on such person, his return shall so show. In case the return of the sheriff or sergeant shows that there is no service of said copy, then the clerk of the county or corporation court shall insert a copy of such application in a newspaper published in the county wherein such real estate is situated, or if there be no newspaper published in his county or corporation, then in the

nearest newspaper, for four successive weeks. If the person in whose name said real estate was listed when sold to the commonwealth, or other person who had the right to redeem before it was sold, does not appear within thirty days after such copy has been served on him, or the completion of the published notice, and redeem said real estate from the clerk of the county or corporation court by paying all the taxes, penalties and costs therewith connected, as well as all fees and costs attending the proceedings, then the person who made such application shall, at his expense, have a report made to the county or corporation court of the county or corporation in which said real estate is situated by the surveyor of such county or city, or where there is no surveyor of such city or county, then by some person appointed by such court for that purpose, specifying the metes and bounds of the land he proposes to buy, the names of the owners of the adjoining tracts or lots, and giving such further description of the land as will identify the same; and the county or corporation court, unless it has some objection to such report, shall order the same to be recorded.

After such report shall have been recorded the purchaser shall obtain from the clerk of the county or corporation court of the county or city in which said real estate is situated a deed conveying the same, in which shall be set forth all the circumstances appearing in the clerk's office in relation to the sale, and reference be made to said report. In no case shall the commonwealth be liable for any costs incurred under any of the provisions of this act.

For every deed executed under this section the clerk shall be entitled to one dollar, which the purchaser shall pay on the delivery of the deed.

If the clerk refuse to execute such deed the court may compel him to do so upon the petition of the purchaser.

Every such deed shall be with covenants of special warranty.

If no such deed be made under this chapter within one year after the purchase of the land by the party entitled to the deed, the owner of the land, at the time it was sold for taxes and county levies and bought by the commonwealth, his heirs or assigns, may, after such year and before such deed is made, redeem the land by paying to the purchaser the amount paid therefor by him, with such taxes and levies as he may have paid thereon since his purchase, with interest at six per centum, upon such payments from the date they were respectively made.

The provisions of section six hundred and sixty-one of the code shall apply to deeds made under authority of this section, and the provisions of section six hundred and fifty-two shall apply to real estate sold under authority of this section.

No real estate which was purchased by the commonwealth prior to the first day of February, eighteen hundred and ninety-four, at sale of lands for taxes and levies delinquent thereon, shall be sold under the provisions of this act until the expiration of two years from that date.

2. This act shall be in force from its passage.

CHAP. 180.—An ACT for the relief of Charles Straus, trustee, under a deed of trust from Levy & Davis.

Approved January 30, 1896.

Whereas Charles Straus, trustee, under a deed of trust from Levy and Davis has erroneously paid into the treasury of the commonwealth on account of merchants license for the year eighteen hundred and ninety-five the sum of eighty-three dollars and fifty cents; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts, be and he is hereby, directed to draw his warrant on the treasurer for the sum of eighty-three dollars and fifty cents, in favor of Charles Straus, trustee of Levy and Davis.

2. This act shall be in force from its passage.

CHAP. 181.—An ACT to incorporate the Danville and Riverside railway company.

Approved, January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That T. B. Fitzgerald, John H. Schoolfield, James E. Schoolfield, R. A. Schoolfield, F. X. Burton, W. P. Bethell, R. A. James, C. G. Holland, James G. Penn, B. F. Jefferson, J. N. Wyllie, R. I. Anderson, H. R. Fitzgerald and James P. Harrison, or such of them, not less than ten, as may accept the provisions of this act, and such persons, natural and artificial, as may hereafter in accordance herewith become associated with them be, and they hereby are, made and constituted a body politic and corporate by and under the name of the Danville and Riverside railway company, and by that name shall have all the powers, rights and franchises of other like corporations under the general laws of this state and shall have the right to locate, construct, equip, maintain and operate a standard gauge railroad to be operated by steam or electricity from a point in or near Danville or Neapolis, Virginia, thence through the intervening territory to a point or points on the line of North Carolina, Tennessee, Kentucky, or West Virginia, west of Marion county, West Virginia.

2. The capital stock of said company shall not be less than twenty-five thousand nor more than five million dollars to be divided into shares of the par value of one hundred dollars each.

3. The said company shall be organized under this act within one year from the passage, by the corporators aforesaid, or not less than ten of them, after notice published for not less than fifteen days in the columns of a daily paper published in Danville, Virginia, of the time and place of meeting of such corporators for the purpose, who shall then, or if less than ten corporators be present at an adjourned meeting, organize said company by electing a president and board of

directors of not less than five nor more than nine members, exclusive of said president, who shall be a member thereof ex-officio; and thereafter the general laws of this state in such cases made and provided in reference to incorporated and internal improvement companies shall in all respects apply to this company, except in so far as inconsistent with the provision of this act, and the said organization so affected shall continue for one year and until the first annual meeting of the stockholders thereafter.

4. The board of directors shall have the power to appoint a vice-president, secretary, and treasurer, and such officers as may be deemed necessary and beneficial to said company; to receive subscriptions to the capital stock, and to make all requisite and proper arrangements to locate, construct, equip, maintain, and operate the said railroad, and to conduct its affairs until the first annual meeting of the stockholders according to law.

5. The said company may receive subscriptions to its capital stock from persons, natural or artificial, public or private, and also may receive in subscriptions to its capital stock or by donation or otherwise, lands, mines, property, material, and labor, and may sell, lease, or otherwise dispose of, all lands or other property so subscribed or donated; provided that not more than twenty thousand acres of land shall be held by said company at any one time.

6. The said company may locate, construct, equip, maintain, and operate branch and lateral roads not exceeding twenty-five miles in length.

7. The said company may acquire by contract, lease, purchase, or consolidation the property or franchises of any connecting railroad, which is not a parallel or competing line, on such terms as may be mutually agreed upon; and so the said company may sell, lease, or transfer its franchises and property, in part or as a whole, to any such connecting line of railroad.

8. The said company may borrow money, issue bonds or other evidences of debt, and secure the same by one or more mortgages or deeds of trusts or otherwise, upon its property, rights and franchises or any part thereof.

9. The principal office of the said company shall be in Danville or Neapolis, Virginia.

10. Work of construction of the said railroad shall be begun within one year, and completed within five years from the passage hereof.

11. All taxes assessed upon said company shall be paid in lawful money of the United States, and not in coupons.

12. This act shall be in force from its passage.

CHAP. 182.—An ACT to repeal the charter of the National City Fire Insurance Company, which was granted by the corporation court of the city of Alexandria on the 19th day of March, 1894, under section 1145 of the code of Virginia and acts amendatory thereof.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the National city fire insurance company, which was granted upon the application of the Northwestern investment company as an amendment to its charter, by the corporation court of the city of Alexandria, on the nineteenth day of March, eighteen hundred and ninety-four, which is recorded in charter book number three, at pages one hundred and seven—one hundred and ten (the same being the book provided and kept for the purpose pursuant to section eleven hundred and forty-five of the code of Virginia in the clerk's office of the corporation court of the city of Alexandria), and which charter after being certified by the clerk of said court was, on the twenty-fifth day of April, eighteen hundred and ninety-four, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been or which may be brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 183.—An ACT to repeal the charter of the Potomac insurance company of Alexandria, Va., which was granted by the corporation court of the city of Alexandria on the 25th day of March, 1893, under section 1145 of the code of Virginia and acts amendatory thereof.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the Potomac insurance company of Alexandria, Virginia, which was granted, upon the application of O. C. Whittlesey, Magnus Schuler, C. O. Sipper, L. G. Estes, and E. A. Shanklin, by the corporation court of the city of Alexandria, on the twenty-fifth day of March, eighteen hundred and ninety-three, and which is recorded in charter book number two, at pages five hundred and eighty-six—five hundred and eighty-nine (the same being the book provided and kept for the purpose pursuant to section eleven hundred and forty-five of the code of Virginia in the clerk's office of the corporation court of the city of Alexandria), and which charter, after being certified by the clerk of said court was, on the twenty-eighth day of March, eighteen hundred and ninety-three, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors, or stockholders, which may have been or which may be brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 184.—An ACT to repeal the charter of the Farmers and mechanics insurance company of Alexandria, Va., which was granted by the judge of the corporation court of the city of Alexandria on the 29th day of March, 1892, under section 1145 of the code of Virginia and acts amendatory thereof.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the Farmers and mechanics insurance company of Alexandria, Virginia, which was granted upon the application of L. G. Estes, James H. Manderville, William Small, J. S. Hunter and Thomas B. Keogh, by Honorable J. K. M. Norton, judge of the corporation court of the city of Alexandria, on the twenty-ninth day of March, eighteen hundred and ninety-two, and which is recorded in charter-book number two, at pages three hundred and forty-one, three hundred and forty-two (the same being the book provided and kept for the purpose, pursuant to section one thousand one hundred and forty-five of the code of Virginia, in the clerk's office of the corporation court of the city of Alexandria), and which charter, after being certified by the clerk of said court, was, on the first day of April, eighteen hundred and ninety-two, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been or which may be brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 185.—An ACT to repeal the charter of the National home insurance company of America, which was granted by the judge of the corporation court of the city of Alexandria, on the 28th day of November, 1893, under section 1145 of the code of Virginia and acts amendatory thereof.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the National home insurance company of America, which was granted upon the application of Washington Danenhower, Luther W. Spear, J. D. Sullivan, C. H. Burgess, A. S. Johnson, G. W. Ray and J. E. Dyer, by the Honorable J. K. M. Norton, judge of the cor-

poration court of the city of Alexandria, on the twenty-eighth day of November, eighteen hundred and ninety-three, and which is recorded in charter book number three, at pages thirty-one-thirty-three (the same being the book provided and kept for the purpose, pursuant to section eleven hundred and forty-five of the code of Virginia, in the clerk's office of the corporation court of the city of Alexandria), and which charter, after being certified by the clerk of said court, was, on the first day of December, eighteen hundred and ninety-three, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against said company, its officers, agents, directors or stockholders, which may have been, or which may be brought, on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 186.—An ACT to repeal the charter of the United fire insurance company, which was granted by the judge of the corporation court of the city of Alexandria, on the 2d day of April, 1894, under section 1145 of the code of Virginia and acts amendatory thereof.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the United fire insurance company, which was granted upon the application of James A. K. Moore, George W. Albaugh, Andrew Bohmer, George Perry Clark, Charles M. Newton, and Morgan D. Boyer, by Honorable J. K. M. Norton, judge of the corporation court of the city of Alexandria, on the second day of April, eighteen hundred and ninety-four, and which is recorded in charter book number three, at pages ninety-one and ninety-two (the same being the book provided and kept for the purpose, pursuant to section eleven hundred and forty-five of the code of Virginia, in the clerk's office of the corporation court of city of Alexandria), and which charter, after being certified by the clerk of said court, was, on the third day of April, eighteen hundred and ninety-four, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been, or which may be, brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 187.—An ACT to repeal the charter of the Phoenix fire and marine insurance company of Alexandria, Virginia, which was granted by the judge of the corporation court of the city of Alexandria, on the 26th day of March, 1895, under section 1145 of the code of Virginia and acts amendatory thereof.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the Phoenix fire and marine insurance company of Alexandria, Virginia, which was granted upon the application of John H. B. Jenkins, David K. Riley, O. H. Chamberlain, Geo. C. Montgomery, Zach M. Knott, by Honorable J. K. M. Norton, judge of the corporation court of the city of Alexandria, on the twenty-sixth day of March, eighteen hundred and ninety-five, and which is recorded in charter book number three, at pages two hundred and eighty-nine to two hundred and ninety-two (the same being the book provided and kept for the purpose, pursuant to section eleven hundred and forty-five of the code of Virginia, in the clerk's office of the corporation court of the city of Alexandria), and which charter, after being certified by the clerk of said court, was, on the eighth day of April, eighteen hundred and ninety-five, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been, or which may be, brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 188.—An ACT to repeal the charter of the Potomac fire and marine insurance company of Alexandria, Virginia, which was granted by the corporation court of the city of Alexandria, on the 24th day of January, 1895, under section 1145 of the code of Virginia and amendatory acts.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the Potomac fire and marine insurance company of Alexandria, Virginia, which was granted upon the application of Jerome Linton, Lewis Smith, Roy West, Edmond B. Briggs and John T. Sykes, by the corporation court of the city of Alexandria, on the twenty-fourth day of January, one thousand eight hundred and ninety-five, and which is recorded in charter book number three, at pages two hundred and sixty—two hundred and sixty-two (the same being the book provided and kept for the purpose, pursuant to section one thousand one hundred and forty-five of the code of Virginia, in the clerk's office of the corporation court of the city of Alexandria), and which charter, after being certified by the clerk of said court, was, on the twenty-sixth day of January, one thousand eight

hundred and ninety-five, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been, or which may be, brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 189.—An ACT to repeal the charter of the Planters insurance company of Alexandria, Virginia, which was granted by the corporation court of the city of Alexandria, on the 22d day of May, 1893, under section 1145 of the code of Virginia and amendatory acts.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the Planters insurance company of Alexandria, Virginia, which was granted upon the application of Charles M. B. Harris, James R. Wilson, Edward V. McClure, James F. Lantry, and Grenville Gaines, by the corporation court of the city of Alexandria, on the twenty-second day of May, eighteen hundred and ninety-three, and which is recorded in charter book number two, at pages six hundred and forty-eight—six hundred and fifty-one (the same being the book provided and kept for the purpose, pursuant to section one thousand one hundred and forty-five of the code of Virginia, in the clerk's office of the corporation court of the city of Alexandria), and which charter, after being certified by the clerk of said court, was, on the twenty-third day of May, one thousand eight hundred and ninety-three, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been, or which may be, brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 190.—An ACT to repeal the charter of the Farmers and mechanics fire insurance company of Alexandria county, Virginia, which was granted by the judge of the circuit court of Alexandria county on January —, 1895, under section 1145 of the code of Virginia and amendatory acts.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the Farmers and mechanics fire insurance company of Alexandria county, Virginia, which was granted, upon the applica-

tion of Llewellyn G. Estes, Alexander Garden, P. Bruce Anderson, Llewellyn W. Estes and Louis McKenzie, by Honorable Charles E. Nicol, judge of the circuit court of Alexandria county, on January —, eighteen hundred and ninety-five, and which is recorded in charter book number one, at pages eighty-one—eighty-four (the same being the book provided and kept for the purpose, pursuant to section eleven hundred and forty-five of the code of Virginia in the clerk's office of the circuit court of the county of Alexandria), and which charter, after being certified by the clerk of said court, was, on the — day of January, eighteen hundred and ninety-five, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been, or which may be brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 191.—An ACT to amend the charter of the West Norfolk and Port Norfolk drawbridge company.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the act entitled an act to incorporate the West Norfolk and Port Norfolk drawbridge company, approved the sixth day of February, eighteen hundred and ninety-four, be, and the same is hereby, amended and re-enacted so as to read as follows:

1. Be it enacted by the general assembly of Virginia, That Henry Duke, R. T. Horzier, M. W. Dennis, M. W. Mason, W. R. McCabe, T. E. Trotman, Joseph T. Duke, R. H. Norfleet, James P. Wise, R. L. Raby, M. W. Armistead, B. W. Holmes and John H. Bassett, their associates, successors and assigns, be, and are hereby, created and constituted a body politic and corporate by the name of the West Norfolk and Port Norfolk drawbridge company, with full and adequate powers to build, construct, own and operate a bridge across the Western branch of the Elizabeth river from some point at West Norfolk, on the western side of said Western branch, to some point at Port Norfolk, on the eastern side of said Western branch, in the county of Norfolk, and to acquire and hold by purchase, condemnation or otherwise so much land as may be necessary for the construction and operation of said bridge: provided, however, that the bridge hereby authorized to be built shall be constructed with a suitable draw and in such a manner as not to interfere with navigation or the passage of vessels, steamers and other river craft.

2. The capital stock of said company shall not be less than fifty thousand dollars nor more than one hundred thousand dollars, divided into shares of one hundred dollars each. The above-named

incorporators, or any three of them, are hereby created a commission and authorized to receive subscriptions to the stock of said company in such manner as they deem necessary, and to keep the same open until the minimum capital has been subscribed. Thereafter they may call a meeting of the stockholders, who may organize the company. As soon as the bridge is completed the said company may demand and receive such reasonable tolls as may be prescribed by its by-laws, not exceeding, however, the present rate of tolls charged by the Norfolk county ferries.

3. The said bridge may be used for highway travel or for cars to be operated by horse-power, electricity or any other motive power, or for both purposes.

4. It shall be lawful for the company to consolidate and make traffic and passenger rates with any railway company or other corporation now existing or hereafter incorporated, and to lease or sell its property to any other corporation or to any person or persons.

5. No other toll bridge or ferry shall be constructed, established, operated or maintained across the Western branch of the Elizabeth river from West Norfolk to Port Norfolk or within one-half mile of said bridge.

All acts or parts of acts in conflict with or inconsistent with this act are hereby repealed.

2. This act shall be in force from its passage.

CHAP. 192.—An ACT to amend section 8 of an act to establish a corporation court for the city of Bristol, in Washington county, as heretofore amended.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That section eight of an act entitled an act to establish a corporation court for the city of Bristol, in Washington county, approved February twelfth, eighteen hundred and ninety, as amended by an act entitled an act to amend and re-enact section eight of an act entitled an act to establish a corporation court for the city of Bristol, in Washington county, approved February twenty-ninth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 8. The judge of said corporation court shall receive an annual salary of not less than one thousand and fifty dollars, nor more than twelve hundred and fifty dollars, to be fixed by the council of the city of Bristol, and to be paid as provided by law; and said judge shall be, and is hereby, prohibited from practicing in the profession of the law in any capacity, in this state or elsewhere, during his incumbency of said office. Said judge shall qualify by taking the oath required by law, within thirty days after receiving his commission; said oath to be taken before any notary public or any clerk of a court of record.

2. This act shall be in force from and after the first day of February, eighteen hundred and ninety-five.

CHAP. 193.—AN ACT to repeal the charter of the Provident fire insurance company of Richmond, Virginia, which was granted by the judge of the circuit court of the city of Richmond, on the 21st day of November, 1893, under section 1145 of the code of Virginia and amendatory acts.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the "Provident fire insurance company" of Richmond, Virginia, which was granted upon the application of Polk Miller, Daniel L. Fry, C. H. Jordon, A. C. Haynes and E. H. Clowes, by Honorable B. R. Wellford, junior, judge of the circuit court of the city of Richmond, on November twenty-first, eighteen hundred and ninety-three, and which is recorded in charter book number three, page three hundred and sixty-nine (the same being the book provided and kept for the purpose, pursuant to section one thousand one hundred and forty-five of the code of Virginia, in the clerk's office of the circuit court of the city of Richmond), and which charter, after being certified by the clerk of said court, was, on the twenty-second day of November, eighteen hundred and ninety-three, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been, or which may be brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 194.—AN ACT to repeal the charter of the Atlantic fire insurance company of Richmond, Virginia, which was granted by the judge of the circuit court of the city of Richmond, on the 2d day of February, 1894, under section 1145 of the code of Virginia and amendatory acts.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the Atlantic fire insurance company of Richmond, Virginia, which was granted upon the application of Harry Huber, W. V. Glazebrook, junior, Charles H. Chick, F. L. Leinweber and O. B. Glazebrook, by Honorable B. R. Wellford, junior, judge of the circuit court of the city of Richmond, on February second, eighteen hundred and ninety-four, and which is recorded in charter book number three, page four hundred and four (the same being the book provided and kept for the purpose, pursuant to section one thousand one hundred and forty-five of the code of Virginia, in the clerk's office of the circuit court of the city of Richmond), and which charter, after being certified by the clerk of said court, was, on the second day of July, eighteen hundred and ninety-five, lodged in the office of the

secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been, or which may be, brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 195.—An ACT to repeal the charter of the German-American fire insurance company of Virginia, which was granted by the judge of the circuit court of the city of Richmond, on the 7th day of July, 1892, under section 1145 of the code of Virginia and amendatory acts.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the German-American fire insurance company of Virginia, which was granted upon application of George C. Jefferson, L. P. Routt, William P. DeSassure, S. S. Elam, and A. H. Felthaus, by Honorable B. R. Wellford, junior, judge of the circuit court of the city of Richmond, on July seventh, eighteen hundred and ninety-two, and which is recorded in charter-book number three, page one hundred and thirty-five (the same being the book provided and kept for the purpose, pursuant to section one thousand one hundred and forty-five of the code of Virginia, in the clerk's office of the circuit court of the city of Richmond), and which charter, after being certified by the clerk of said court, was, on the sixteenth day of September, eighteen hundred and ninety-two, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been, or which may be, brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 196.—An ACT to repeal the charter of the First national fire insurance company of Fredericksburg, Virginia, which was granted by the judge of the corporation court of the city of Fredericksburg, on 22d day of July, 1893, under section 1145 of the code of Virginia and amendatory acts.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the First national fire insurance company of Fredericksburg, Virginia, which was granted upon the application of John W. Bond, W. J. Moodie, George D. Young, T. F. Many, and N. E. Vowles,

by Honorable A. W. Wallace, judge of the corporation court of the city of Fredericksburg, on July twenty-second, eighteen hundred and ninety-three, and which is recorded in charter book number one pages sixty to sixty-four (the same being the book provided and kept for the purpose, pursuant to section one thousand one hundred and forty-five of the code of Virginia, in the clerk's office of the corporation court of the city of Fredericksburg), and which charter, after being certified by the clerk of said court, was, on the fourth day of August, eighteen hundred and ninety-three, lodged in the office of the secretary of the commonwealth, be, and the same is hereby repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been, or which may be brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 197.—An ACT to repeal the charter of the Old Dominion fire insurance company of Portsmouth, Virginia, which was granted by the judge of the court of hustings for the city of Portsmouth, on the 20th day of July, 1848, under section 1145 of the code of Virginia and amendatory acts.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the "Old Dominion fire insurance company" of Portsmouth, Virginia, which was granted upon the application of M. Dimmock, A. M. Tyler, H. W. Olcott, Wm. P. DeSaussure and Shirreffs, by Honorable A. S. Watts, judge of the court of hustings for the city of Portsmouth, on July twentieth, eighteen hundred and ninety-two, and which is recorded in record of charters, page one hundred and thirteen (the same being the book provided and kept for the purpose, pursuant to section one thousand one hundred and forty-five of the code of Virginia, in the clerk's office of the court of hustings for the city of Portsmouth), and which charter, after being certified by the clerk of said court, was, on the twelfth day of September, eighteen hundred and ninety-two, lodged in the office of the secretary of the commonwealth, be, and the same is hereby repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been, or which may be brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 188.—An ACT to repeal the charter of the Commonwealth fire insurance company of Winchester, Virginia, which was granted by the judge of the corporation court of the city of Winchester, on the 17th day of July, 1893, under section 1145 of the code of Virginia and amendatory acts.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the Commonwealth fire insurance company of Winchester, Virginia, which was granted upon the application of J. M. Lewis, G. M. Wing, E. Tiffany, C. C. Felker and H. M. Morris, by Honorable William M. Atkinson, judge of the corporation court of the city of Winchester, on July seventeenth, eighteen hundred and ninety-three, and which is recorded in charter book number one, page seventy-four (the same being the book provided and kept for the purpose, pursuant to section one thousand one hundred and forty-five of the code of Virginia, in the clerk's office of the corporation court of the city of Winchester), and which charter, after being certified by the clerk of said court, was, on the twentieth day of July, eighteen hundred and ninety-three, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders which may have been, or which may be, brought on its existing contracts.

2. This act shall be in force from its passage.

CHAP. 199.—An ACT to repeal the charter of the Shenandoah fire insurance company of Winchester, Virginia, which was granted by the judge of the corporation court of the city of Winchester, on the 8th day of September, 1893, under section 1145 of the code of Virginia and amendatory acts.

Approved January 30, 1896.

Be it enacted by the general assembly of Virginia, That the charter of the Shenandoah Valley fire insurance company of Winchester, Virginia, which was granted upon the application of H. J. Morris, B. Taylor, E. Tiffany, John W. Polk, junior, and W. S. Taylor, junior, by Honorable William M. Atkinson, judge of the corporation court of the city of Winchester, on September eight, eighteen hundred and ninety-three, and which is recorded in charter book number one, page eighty-one (the same being the book provided and kept for the purpose, pursuant to section one thousand one hundred and forty-five of the code of Virginia, in the clerk's office of the corporation court of the city of Winchester), and which charter, after being certified by the clerk of said court, was, on the thirteenth day of September, eighteen hundred and ninety-three, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been, or which may be, brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 200.—An ACT to repeal the charter of the "Roanoke underwriters' agency" of Roanoke, Va., which was granted by the judge of the corporation court of the city of Roanoke, on the 25th day of April, 1893, under section 1145 of the code of Virginia and amendatory acts.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the Roanoke underwriters' agency of Roanoke, Virginia, which was granted upon the application of William H. Tinsley, A. S. A. Rogers, James D. Pickard, Hubert L. Smith, and Kenneth McCoy, by Honorable John W. Woods, judge of the corporation court of the city of Roanoke, on April twenty-fifth, eighteen hundred and ninety-three, and which is recorded in charter-book number three, page one hundred ninety-five (the same being the book provided and kept for the purpose, pursuant to section one thousand one hundred and forty-five of the code of Virginia, in the clerk's office of the corporation court of the city of Roanoke), and which charter, after being certified by the clerk of said court, was, on the second day of May, eighteen hundred and ninety-three, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been, or which may be, brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 201.—An ACT to repeal the charter of the Pequannock fire association of Staunton, Virginia, which was granted by the judge of the corporation court of the city of Staunton, on the 1st day of December, 1892, under section 1145 of the code of Virginia and amendatory acts.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the Pequannock fire association of Staunton, Virginia, which was granted upon the application of M. O. Burkholder, A. N. Taylor, Thomas Hogshead, Kenneth McCoy, and Hubert L. Smith, by Honorable Charles Grattan, judge of the corporation court of the

city of Staunton, on December first, eighteen hundred and ninety-two, and which is recorded in charter book number one, page ninety-one (the same being the book provided and kept for the purpose, pursuant to section one thousand one hundred and forty-five of the code of Virginia, in the clerk's office of the corporation court of the city of Staunton), and which charter, after being certified by the clerk of said court, was, on the seventeenth day of January, eighteen hundred and ninety-three, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been, or which may be, brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 202.—An ACT to repeal the charter of the Virginia farmers insurance company of Norfolk, Virginia, which was granted by the judge of the corporation court of the city of Norfolk, on the 9th day of August, 1893, under section 1145 of the code of Virginia and amendatory acts.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the Virginia farmers insurance company of Norfolk, Virginia, which was granted upon application of J. Wesley Gilson, T. N. Stiff, L. C. Ware, J. F. Shackelford and H. F. Harrison, by Honorable D. Tucker Brooke, judge of the corporation court of the city of Norfolk, on the ninth day of August, eighteen hundred and ninety-three, which is recorded in charter book number three, at page one hundred and six (the same being the book provided and kept for the purpose, pursuant to section eleven hundred and forty-five of the code of Virginia, in the clerk's office of the corporation court of the city of Norfolk), and which charter, after being certified by the clerk of said court, was, on the twentieth day of July, eighteen hundred and ninety-three, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been, or which may be, brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 203.—An ACT to repeal the charter of the Norfolk fire and marine insurance company of Norfolk, Virginia, which was granted by the corporation court of the city of Norfolk, on the 25th day of May, 1893, under section 1145 of the code of Virginia and amendatory acts.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the Norfolk fire and marine insurance company of Norfolk, Virginia, which was granted upon the application of W. A. Warrington, W. F. Adancourt, A. G. Kuck, Robert W. Shultice and W. B. Spaulding, by Honorable D. Tucker Brooke, judge of the corporation court of the city of Norfolk, on the twenty-fifth day of May, eighteen hundred and ninety-three, which is recorded in charter book number three, at page forty-four (the same being the book provided and kept for the purpose, pursuant to section eleven hundred and forty-five of the code of Virginia, in the clerk's office of the corporation court of the city of Norfolk), and which charter, after being certified by the clerk of said court, was, on the twenty-seventh day of May, eighteen hundred and ninety-three, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders which may have been, or which may be, brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 204.—An ACT to provide for the transportation of convicts to the penitentiary and to repeal sections 4065, 4066, 4067, 4068, 4069, and 4070 of the code of Virginia.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That every person sentenced by a court to confinement in the penitentiary, shall, as soon as may be, be conveyed to the penitentiary, in the manner hereinafter provided. The clerk of the court in which the person is sentenced shall forthwith transmit to the superintendent of the penitentiary a copy of the judgment, and if he fail to do so, he shall forfeit one hundred dollars. Upon receiving such copy the superintendent of the penitentiary shall dispatch a guard to the county or corporation, with a warrant, directed to the sheriff, authorizing him to deliver the convict, whose duty it shall be to take charge of the said person and convey him to the penitentiary. If, because of the number of persons to be conveyed to the penitentiary, or because there is reason to apprehend an attempt to rescue, the superintendent shall deem it necessary, he may dispatch more than one guard, and make provision for the employment by the guard of

persons to assist him in the performance of his duty. The superintendent shall be entitled to receive from the auditor of public accounts such certificates of transportation as he may require in executing the provisions of this act, and other expenses incurred by him in the execution thereof he shall pay, the same to be allowed him in the settlements of his accounts; provided that the superintendent may in any proper case require the sheriff of any county or the sergeant of any corporation to deliver such convict at a railway station designated by the superintendent, to be there delivered to his authorized agent, and for such services the court of such county or corporation shall allow the said sheriff a reasonable compensation to be paid out of the public treasury.

2. Sections four thousand and sixty-five, four thousand and sixty-six, four thousand and sixty-seven, four thousand and sixty-eight, four thousand and sixty nine, and four thousand and seventy of the code of Virginia be, and the same are now, repealed.

3. This act shall be in force from its passage.

CHAP. 205.—An ACT to amend and re-enact an act entitled an act to amend and re-enact section 1916 of the code, in relation to the duties of the sealer of weights and measures, approved February 9, 1892.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to amend and re-enact section nineteen hundred and sixteen of the code, in relation to the duties of the sealer of weights and measures, approved February ninth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 1916. The said sealer for each county or corporation shall, once in every three years, go to the houses, stores, or shops of every person within the town or county (by whose court he was appointed) who uses balances, steelyards, platform balances, weights, or measures, for the purpose of buying and selling, and who has failed for three years to bring or send them in at the times and places notified by him, and also to all hay scales and platform balances kept for public use, and there try and prove such scales, balances, steelyards, weights, or measures, and seal or deface and destroy them, as may be proper. In the cases mentioned in this section the sealer of weights and measures shall have double the amount of his regular fees.

2. This act shall be in force from its passage.

CHAP. 206.—An ACT to amend and re-enact an act approved January 14, 1892, entitled an act to incorporate the Empire transportation company.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That E. D. Christian, H. W. Flournoy, H. L. Smith, C. W. Branch, Tazewell Ellett, S. B. Witt, and Philip B. Sheild, and their associates, successors and assigns, be, and hereby are, incorporated into a body politic and corporate by the name of the Empire transportation company, for the purpose and with the power of owning, equipping, leasing, chartering, and running two or more steamboats for the transportation of freight, passengers, and vehicles on the Elizabeth river, to and from Lambert's Point and Farmer's creek to Norfolk, and to and from Norfolk and Portsmouth, and such other places on the Elizabeth river as the said company may desire.

2. The capital stock of said company shall not be less than fifty thousand dollars nor more than five hundred thousand, divided into shares of one hundred dollars each. The above named corporators, or any four of them, are hereby created a commission and authorized to receive subscriptions to the stock of said company, in such manner as they may deem necessary, and keep the same open until the minimum capital has been subscribed; thereafter they may call a meeting of the stockholders, who may organize the company. The capital stock may be increased from time to time until the maximum sum named in this act is reached.

3. The said company may acquire, by purchase or otherwise, and hold, real estate not to exceed two acres at each landing place, and may mortgage and encumber, by deed of trust or otherwise, and dispose of its real estate, wharves, docks, and any other property and privileges, as they may deem to be necessary for the proper conduct of their business, and may issue bonds to be secured on its property and franchises.

4. The said company may construct, own, equip, operate, and run a ferry from any of the above mentioned points to any of the others, and may rent or lease boats and other equipments and terminals, necessary for the operation of a ferry or ferries between said points, and may charge and collect tolls for the transportation of freight, passengers, and vehicles.

5. The said company may make rules and regulations for the management, control, and conduct of its business and property not inconsistent with the laws of the state or of the United States.

6. The service furnished by this company between Norfolk and Portsmouth shall be, in point of frequency of trips, equal to or better than that which shall be furnished by the ferry now operating between said points; and the said company shall use no boats between Norfolk and Portsmouth, unless the same are fully equipped to carry vehicles as well as passengers, and to give in other respects proper and sufficient accommodation for the transportation of both passengers and vehicles.

7. The provisions of this charter shall be complied with within two years from the passage of this act, otherwise the same shall be void.

8. The general assembly of Virginia reserves the right to alter, amend, or repeal this charter at its pleasure.

9. All taxes due or to become due to the commonwealth of Virginia from the said company shall be paid in lawful money of the United States, and not in coupons.

10. The company herein incorporated shall also build and operate ferries between all other points now reached by the Norfolk county ferries.

11. This act shall be in force from its passage.

CHAP. 207.—An ACT to amend and re-enact section 12 of an act to incorporate the Metropolitan western railroad of Virginia, approved February 4, 1890, as amended, &c.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That section twelve of an act to incorporate the Metropolitan western railroad of Virginia, approved February fourth, eighteen hundred and ninety, as amended by an act approved February sixteenth, eighteen hundred and ninety-two, entitled an act to amend and re-enact sections three and twelve of an act entitled an act to incorporate the Metropolitan western railroad of Virginia, approved February fourth, eighteen hundred and ninety, as amended by an act approved March third, eighteen hundred and ninety-four, entitled an act to amend and re-enact sections three and twelve of an act to incorporate the Metropolitan western railroad of Virginia, approved March fourth, eighteen hundred and ninety, as amended by an act approved February sixteenth, eighteen hundred and ninety-two, entitled an act to amend and re-enact sections three and twelve of an act entitled an act to incorporate the Metropolitan western railroad of Virginia, approved February fourth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 12. The said company is required to commence the construction of its railroad not later than the first day of March, in the year eighteen hundred and ninety-eight, and to complete the same not later than the first day of March, in the year nineteen hundred and three.

2. This act shall be in force from its passage.

CHAP. 208.—An ACT to amend and re-enact section 3393 of the code, in relation to how judgment entered on bond for the payment of money.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-three hundred and ninety-three of the code of Virginia be amended and re-enacted so as to read as follows:

3393. How judgment entered on bond for payment of money.—When there is a recovery on a bond with condition for the payment of money, the judgment shall be for the penalty of the bond to be discharged by the payment of the principal and the interest due thereon, *but when the judgment is against a surety of limited liability in such bond the sum to be paid by such surety in discharge thereof, shall not exceed the amount to which he has limited his liability on said bond.*

2. This act shall be in force from its passage.

CHAP. 209.—An ACT requiring the auditor of public accounts to make a statement, annually, showing an accounting of the county and city treasurers with the state who are in arrears, and prescribing the manner in which the same shall be made public.

Approved January 30, 1896.

Whereas during every session of the general assembly it is developed that some of the county or city treasurers are in arrears to the state on account of collection of taxes, thereby depriving the commonwealth of its just dues which should be promptly turned into her coffers; and whereas it is right and proper that the sureties of all such treasurers, as well as the tax-payers of the state, should be apprised of the true facts in connection therewith: therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, required to have made from the books in his office annually, at the end of the fiscal year, commencing with the first day of July, eighteen hundred and ninety-six, a statement, showing the condition of the accounts of every county or city treasurer of the commonwealth, who is in arrears to the state in his collections therefor, giving the year of such delinquency, and it shall be the duty of the said auditor to transmit, within thirty days thereafter, a copy of such statement to the clerk of each county or city wherein such treasurer resides or holds his office, respectively, and it shall be the duty of every such clerk to make a copy of the same without delay and post upon the front door of his court-house, and place the original on file in his office, where it may be conveniently examined by any tax-payer so desiring, and he shall allow any newspaper desiring to publish the same to make a copy of it.

2. This act shall be in force from its passage.

CHAP. 210.—An ACT incorporating the town of Barton Heights, in Henrico county.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That all the territory in the county of Henrico contained within the following limits, viz.: Beginning at the northwest corner of plan of Barton Heights; thence east along north side of Wickham street to the west line of North avenue; thence north along west line of North avenue to a point opposite the north line of plan of Barton Heights; thence east to west line of Henrico turnpike; thence southwardly along Henrico turnpike to the south line of the property of Mistress Josephine Kann; thence west to the east line of Summit avenue; thence south to south line of Fritz street; thence west to west line of Mitchell street; thence north to north line of cemetery; thence west to the east line of North avenue; thence south to the south line of alley through blocks forty-one, two and one; thence west along said alley to the west line of Luck street; thence north to south line of alley running south of blocks sixteen and seventeen; thence west to west line of the plan of Barton Heights; thence north to point of beginning—shall constitute the town of Barton Heights, and the inhabitants within the said boundaries, and their successors, shall be a corporation under the name and style of the town of Barton Heights; and the forty-fourth and forty-sixth chapters of the code of Virginia, edition of eighteen hundred and eighty-seven and amendatory acts thereof, as far as consistent with this act, shall be applicable to said town.

2. The officers of said town shall consist of a mayor, to be elected every two years, a council of six members (any four of whom shall constitute a quorum to transact business), a sergeant, who shall be appointed by the council every two years, and such other officers as the council may think necessary. The said council shall hold their offices for four years, except as provided in article five of this act, and three councilmen shall be elected every two years. The said council shall have power to pass all by-laws and ordinances for the government of said town that they may deem proper, and to prescribe penalties for the violation of the same, not exceeding fifty dollars for any one offence, and may subject the parent of any minor for any such offence committed by said minor. All such fines or penalties may be prosecuted and recovered, with costs, in the name of said town. The council shall have all the powers conferred by sections ten hundred and thirty, ten hundred and thirty-two, ten hundred and thirty-five, ten hundred and thirty-eight, and ten hundred and forty-two of the code of Virginia (eighteen hundred and eighty-seven), and by the other general statutes of this state except so far as may be otherwise provided in this and other sections of the charter of said town. The said council shall have the power to provide for keeping its streets, sidewalks and alleys in order, for paving the same, for widening and altering or closing the same, for draining the said town; to provide the necessary facilities for the supply of water and light,

and to provide for all other necessary improvements; but the said council shall not have authority to pave any streets sidewalks, or alleys, or to order the same to be paved, at the expense of the adjoining property owners without their consent. And for the purpose of paying the necessary expense of said town, including any appropriation for the schools hereinafter mentioned, the said council shall have power to levy such a tax on all the taxable property in said town as they may deem proper, not exceeding seventy-five cents on one hundred dollars in any one year. The citizens and property of said town are hereby exempted from the payment of one-half of the county levy and from the payment of the county poll-tax: provided that the county levy of Henrico shall be considered to include, as it now does, the road taxes and poor rates: provided, further, that the said town shall, at its own expense, provide for its own poor and keep its streets and roads in order: provided, further, that the citizens and property of said town shall be exempted from the payment of any special road tax which may hereafter be levied by said county. The council may, out of its annual revenues, make such appropriations as it may deem proper to aid in carrying on the public schools in said town.

3. The mayor of said town shall have no vote in the meetings of the council except in cases of a tie, when he shall cast the deciding vote; and the said council shall select from their number a president pro tempore, who shall preside over their meetings in the absence of the mayor, and while so presiding, or during the absence, sickness or other disability of the mayor, shall exercise all the powers of the mayor. The council may be convened at any time upon the call of the mayor or any four members. The mayor of said town is hereby invested with the powers conferred on him by section ten hundred and thirty-three of the code of Virginia, as amended and re-enacted by an act of the general assembly approved March three, eighteen hundred and ninety-four, except that the jurisdiction of the mayor shall not extend outside the corporation limits of said town; and it is hereby made the duty of said mayor, acting as a justice of the peace, as provided by said section ten hundred and thirty-three of the code of Virginia, as amended by acts of general assembly approved March three, eighteen hundred and ninety-four, to suppress all disturbances, riots, and disorderly conduct within the bounds of said town, and, the more effectually to do this, he is hereby clothed with power to appoint such special police force as he may deem necessary.

4. The sergeant of said town shall be a conservator of the peace, and for that purpose shall be vested with all the powers of a constable within the corporate limits of said town and to the distance of one mile beyond, and shall have power to arrest offenders anywhere within the county of Henrico for offences committed within said town, and convey any person to the jail, who may be ordered by the mayor to be committed, charged with any offence against this commonwealth, there to be dealt with as if committed by a justice of the peace, and shall be entitled to the same compensation as a constable would be for like service. He shall have control of the

police force, whether regular or special. He shall, unless otherwise provided by the council, collect the town taxes and all fines imposed for the violation of the by-laws or ordinances of said town, and for this purpose shall be clothed with like powers to enforce the same as a sheriff or constable now has. He shall also perform such other ministerial duties as may be imposed upon him by said council, and for his services shall receive a reasonable compensation, to be fixed by the council. Until the said town shall erect a jail of its own it is hereby authorized to use the jail of Henrico county, provided that for offences committed against the ordinances of the town the said town shall pay for their maintenance whilst confined in the jail of the county. The said sergeant shall give bond, payable to the town of Barton Heights, with good security, to be approved by council of said town, in a penalty of not less than one thousand dollars nor more than three thousand dollars, conditional for the faithful discharge of the duties of his office. The said sergeant shall turn over to the treasurer of the county of Henrico, on or before the end of every month, all taxes collected by him, which the county treasurer will receive and disburse upon the order of said council, and said treasurer shall receive as compensation for same an amount equal to the amount received by him for disbursing the state school fund; and the county treasurer shall keep a separate account of the funds of said town.

ARTICLE II.

5. Be it further enacted, That any person applying to the county court of Henrico for license to sell spirituous liquors, wine, beer, ale, or porter, or any mixture thereof, within the corporate limits of the town of Barton Heights shall produce before the court of said county a certificate, signed by a majority of registered voters of said town, to the effect that the applicant is a suitable person and that no good reason is known why the license should not be granted.

ARTICLE III.

6. Be it further enacted, That said council shall have authority to acquire, by purchase or condemnation, all real estate and rights of way that may be necessary for the purpose of erecting suitable town buildings, streets, alleys, and sewerage outlets, and to purchase all such apparatus, carts, wagons, fire engines, or other machines as may be necessary for its purposes.

ARTICLE IV.

7. Be it further enacted, That it shall be lawful for the council of said town to borrow a sum of money, not exceeding the sum of twenty-five thousand dollars, to be expended by said council in the exercise of the powers conferred upon them in this charter; provided, however, that the bonds issued for such money shall not be made payable within less than thirty years from their date, and that it shall be the duty of the council to provide a sinking fund suffi-

cient to pay off said bonds at their maturity; provided, further, that said council shall not have authority to borrow said sum of money, or any part thereof, until the expediency of said loan shall be submitted to a vote of the voters of said town, at an election to be held for that purpose, at such time as said council may adopt, and decided upon by a majority of the registered voters of said town.

ARTICLE V.

8. Be it further enacted, That W. R. Jones shall be mayor of said town until July first, eighteen hundred and ninety-seven, at which time his successor, chosen at the spring election of eighteen hundred and ninety-seven, shall qualify; and that T. Crawford Redd, Charles Goodloe, and George A. Minor shall constitute three of said council of said town until July first, eighteen hundred and ninety-seven, at which time their successors, chosen at the spring election of eighteen hundred and ninety-seven, shall qualify; and W. T. Hoopes, P. F. Duggan, and E. H. Smith shall constitute three of said council of said town until July first, eighteen hundred and ninety-nine, at which time their successors, chosen at the spring election of eighteen hundred and ninety-nine, shall qualify.

9. All acts or parts of acts in conflict with this charter are hereby repealed.

10. This act shall be in force from its passage.

CHAP. 211.—An ACT to permit the governor to furnish small arms to the Suffolk collegiate and military institute.

Approved January 30, 1896.

1. Be it enacted by the general assembly of Virginia, That the governor be, and is hereby, empowered to furnish small arms to the Suffolk collegiate and military institute for the use of the cadets of said institute, if the same can be spared from any arms in the possession of the state, formerly used by the Virginia military institute, or otherwise, taking from the principal of said institute bond with approved security for the return of the same when demanded.

2. This act shall be in force from its passage.

CHAP. 212.—An ACT to incorporate the Odd-Fellows' joint stock company of Alexandria, Va., and to authorize the conveyance to said company of certain real estate in the city of Alexandria, Va., purchased for its use and benefit.

Approved January 30, 1896.

Whereas James Webster, Robert Darnell, John H. Credit, and others, on the twelfth day of November, eighteen hundred and sixty-

nine, associated themselves together under the name of the Odd-Fellows' joint stock company of Alexandria, Virginia, with a capital stock of two thousand four hundred dollars, divided into shares of the par value of five dollars each, and have since the date of the organization aforesaid conducted business as a joint stock company; and,

Whereas by deed dated November twenty-ninth, eighteen hundred and sixty-nine, recorded in liber A, number four, folio eighteen of the land records of Alexandria county, Virginia, a lot of ground on the west side of Columbus street, between Wolfe and Wilkes street, in the city of Alexandria, Virginia, was conveyed to James Webster, Hannibal King, John W. McK. Ware, Robert Darnell, Henry Bailey, and John H. Credit, trustees of the said company, to be held for its use and benefit; and,

Whereas the said company has never been incorporated according to law, but now desires to be legally incorporated: therefore,

1. Be it enacted by the general assembly of Virginia, That the said James Webster, Robert Darnell, John H. Credit, and such other persons as are now or may be hereafter regularly associated with them, and their successors, be, and they are hereby, incorporated and created a body politic and corporate under the name and style of the Odd-Fellows' joint stock company of Alexandria, Virginia, and by that name shall have perpetual succession and a common seal, which seal it may amend, alter, or renew at pleasure, and by that name may sue and be sued, plead and be impleaded, and may exercise all the rights and privileges of a corporation under the laws of the state of Virginia.

2. That the said company shall have power to acquire by grant, purchase, lease, or other lawful method, and to hold so much real estate as may be necessary for its purposes, not to exceed in quantity five acres of land, and may dispose of, incumber, or charge the same at its pleasure by deed, deed of trust, mortgage, or otherwise.

3. That the said James Webster, Hannibal King, John W. McK. Ware, Robert Darnell, Henry Bailey, and John H. Credit, or the survivor or survivors of them who are now members and stockholders of the said company, be, and they are hereby, authorized and empowered to convey to the said company the real estate on the west side of Columbus street, between Wolfe and Wilkes street, in the city of Alexandria, Virginia, conveyed to them by the said deed of November twenty-ninth, eighteen hundred and sixty-nine, recorded in liber A, number four, folio eighteen of the land records of Alexandria county, Virginia.

4. That the capital of said company shall be five thousand dollars, divided into one thousand shares of the par value of five dollars each. The present stockholders of said company shall be entitled to one share of the stock herein authorized for each share held in the present organization and surrendered for cancellation and the issuance of new stock under this charter. The residue of the stock authorized by this charter shall be held in the treasury and shall not be issued unless authorized by a three-fourths vote of the stockholders at an annual meeting.

5. That the said company shall have power to borrow money, from time to time as its needs may require, not exceeding in amount at any one time five thousand dollars, and may secure the payment of the same by deed of trust or mortgage upon its property, real, personal, or mixed.

6. That the said company shall have a president, secretary, treasurer, and four directors, who shall be elected annually by the stockholders, and shall constitute a board for the management of the affairs of the said company.

7. That the following named persons shall constitute a board for the management of the affairs of said company for the first year and until their successors are duly elected, namely: President, Christopher Brook; secretary and treasurer, Robert Darnell; directors, William H. Davis, Paris Simms, Stanton Miller, and Beverly Diggs.

8. That the first annual meeting of said company shall be held on the first Monday in January, eighteen hundred ninety-seven, and annually thereafter on the first Monday in January of each and every year.

9. This act shall be in force from and after its passage.

CHAP. 213.—An ACT to amend and re-enact section 6 of the charter of the city of Williamsburg and to authorize the common council to issue bonds for the sum of thirty-five hundred dollars for the purpose of erecting and furnishing a school building for white children of said city.

Approved February 1, 1896.

1. Be it enacted by the general assembly of Virginia, That section six of the charter of the city of Williamsburg be amended and re-enacted so as to read as follows:

§ 6. The powers and authority of said council shall be such as are mentioned and prescribed by section ten hundred and thirty-eight of the code of Virginia, eighteen hundred and eighty-seven, except that the said council may levy, in addition to the capitation tax and the rate of tax now levied for school and corporation purposes (being seventy cents on the one hundred dollars value of real and personal property within the corporate limits), a further tax of thirty cents on the one hundred dollars value of real and personal property within the corporate limits for school purposes only, said further tax of thirty cents to be levied for a period not exceeding five years.

2. Be it further enacted, That the council of the city of Williamsburg be, and they are hereby, authorized and empowered to issue non-taxable bonds in the name of the city of Williamsburg for a sum or sums not exceeding in the aggregate three thousand five hundred dollars, and to sell or negotiate the same in such manner, and at such time or times as they may deem best—the proceeds thereof to be used to procure a site, if necessary, and to erect and furnish a public free school building for the white children of said

city; but the said bonds shall not be sold or negotiated for less than their face value.

3. The bonds issued in pursuance of this act shall be coupon bonds issued in denominations of one hundred dollars each, payable in not less than one and not more than five years from their respective days of date, and bearing interest payable annually until maturity, at a rate not exceeding six per centum per annum. They shall be in such form as the council may prescribe, shall be signed by the mayor of said city, be attested by the clerk of said council, and shall have the seal of said corporation affixed thereto.

4. That said council and their successors in office shall set apart each year, after paying the interest on the bonds authorized under this act, the balance of the additional tax authorized by this act as a sinking fund for the redemption of the principal of said bonds until the whole are retired. After paying all of the interest and principal of said bonds should there remain any surplus from the further tax of thirty cents authorized by this act, then such surplus shall be turned into the general school fund of said city.

5. All moneys realized from the sale or negotiation of said bonds shall be received by the treasurer of the county of James City and the city of Williamsburg, and as such treasurer of the city of Williamsburg, he and his sureties shall be liable on his official bond for all moneys so received. The moneys so received to be subject to the order of the school board of said city and to be disbursed by said school board solely to procure a site, if necessary, and to erect and furnish a public free school building for the white children of said city.

6. The coupons of said bonds issued in pursuance of this act shall be receivable at the office of the treasurer of the city of Williamsburg for all taxes, dues and levies due said corporation, and said treasurer shall produce the coupons so received as vouchers at his annual settlements with said council.

7. On the dates the bonds issued in pursuance of this act shall mature and fall due, the said council, at a meeting, at which the treasurer shall be present, shall call in and order said bonds to be paid by said treasurer, and on redemption they shall be cancelled by said council, and a record of the bonds so redeemed and cancelled shall be entered in the minutes of said meeting.

8. Be it further enacted, That no public free school building shall be erected on any of the public greens of said city.

9. All acts or parts of acts in conflict with this act are hereby repealed.

10. This act shall be in force from the first day of July, eighteen hundred and ninety-six.

CHAP. 214.—An ACT to amend and re-enact section 2109 of the code of Virginia, in relation to unlawful fishing.

Approved February 1, 1896.

1. Be it enacted by the general assembly of Virginia, That section two thousand one hundred and nine of the code of Virginia be amended and re-enacted so as to read as follows:

§ 2109. Penalty for violating the preceding section—possession of the fish, evidence of guilt.—Any person violating any of the provisions of the preceding section shall, on conviction thereof, be fined for each offence, not exceeding one hundred dollars, and be imprisoned in jail until the fine is paid, but not exceeding thirty days, and forfeit all boats, nets or other contrivances employed by him in such violation. In a prosecution of a person for a violation of any provision of the first, second and third subdivisions of said section the possession by such person of any of the fish mentioned in said subdivision shall be prima facie evidence of his guilt.

2. This act shall be in force from its passage.

CHAP. 215.—An ACT to amend and re-enact section 10 of an act entitled an act to protect and advance agriculture by regulating the sale and purity of commercial fertilizers, and the guarantee and condition upon which they are to be sold, and fixing the penalties incurred for violations of the same, approved February 24, 1890, as amended and re-enacted by an act entitled an act to amend and re-enact sections 2, 4, 6, and 10 of an act entitled an act to protect and advance agriculture by regulating the sale and purity of commercial fertilizers, and the guarantee and condition upon which they are to be sold, and fixing the penalties incurred for violations of the same, approved March 9, 1894.

Approved February 1, 1896.

1. Be it enacted by the general assembly of Virginia, That section ten of an act entitled an act to protect and advance agriculture by regulating the sale and purity of commercial fertilizers, and the guarantee and condition upon which they are to be sold, and fixing the penalties incurred for violation to the same, approved February twenty-fourth, one thousand eight hundred and ninety, as amended and re-enacted by an act entitled an act to amend and re-enact sections two, four, six, and ten of an act entitled an act to protect and advance agriculture by regulating the sale and purity of commercial fertilizers, and the guarantee and condition upon which they are to be sold, and fixing the penalties incurred for violation to the same, approved March eight, one thousand eight hundred and ninety-four.

§ 10. The "commercial fertilizer" or fertilizers where the same are used in this act, shall not be held to include lime, land plaster, ashes or common salt, or tobacco stems, ground and unground, or any chemicals or ingredients used in manufacturing fertilizers intended for sale. All fertilizers sold or offered for sale in violation

of this act shall be seized by the commissioner of agriculture or his agent, and shall be delivered to the officer of the court having jurisdiction of the offense, and said fertilizers shall be subject to the disposition made of the same by said court. All moneys arising from seizures of fertilizers shall be for the use and benefit of the board of agriculture.

2. This act shall be in force from its passage.

CHAP. 216.—An ACT to allow Louis Jones, late treasurer of Middlesex county, further time to distrain and levy for taxes, levies and licenses for the years 1891 and 1892.

Approved February 1, 1896.

1. Be it enacted by the general assembly of Virginia, That Louis Jones, late treasurer of Middlesex county, be allowed the further time of one year within which to distrain and levy for taxes, levies and licenses now in his hands and uncollected by him for the years eighteen hundred and ninety-one and eighteen hundred and ninety-two, which have not been returned delinquent or insolvent, and for which he has accounted in his annual settlement.

2. This act shall be in force from its passage.

CHAP. 217.—An ACT to consolidate the Hampton and Old Point railway company and the Newport News street railway company, and thereby create a corporation to be known as the Newport News, Hampton and Old Point railway company.

Approved February 1, 1896.

Whereas by an act of the general assembly of Virginia, approved February twenty-fourth, eighteen hundred and eighty-eight, entitled "An act to incorporate the Hampton and Old Point railway company," with a capital stock of not less than twenty thousand dollars and not more than one hundred thousand dollars, the said Hampton and Old Point railway company was duly organized;

And whereas, under the provisions of the said act the said company has constructed its road from the town of Hampton, in the county of Elizabeth City, to Old Point Comfort;

And whereas by another act of the general assembly of Virginia, approved February eighteenth, eighteen hundred and ninety, entitled "An act to incorporate the Newport News street railway company," with a capital stock of not less than ten thousand nor more than fifty thousand dollars;

And whereas, under the provisions of the said act, the said Newport News street railway company was duly organized and

has constructed its road from the town of Hampton, in the county of Elizabeth City, to Newport News, in the county of Warwick;

And whereas it is represented that a very large majority, if not the whole, of the stockholders of the said Hampton and Old Point railway company and the Newport News street railway company desire to have the two said companies united and consolidated into one company, to be known as the Newport News, Hampton and Old Point railway company;

And whereas it is further represented that parties holding bonds of the said Hampton and Old Point railway company and the Newport News street railway company prefer that the said two companies should be united and consolidated into one company as aforesaid: therefore,

1. Be it enacted by the general assembly of Virginia, That the Hampton and Old Point railway company and the Newport News street railway company be, and the same are hereby, consolidated and made one body politic and corporate, under the name of the Newport News, Hampton and Old Point railway company, subject to all the liabilities of each of said companies, and with all the rights, powers, privileges and franchises heretofore conferred upon each of the said two companies by their said charters of incorporation, respectively, above mentioned and set forth, and subject to the provisions of the code of Virginia with respect to chartered companies, except so far as modified by this act.

2. That after the passage of this act the stockholders of the said Hampton and Old Point railway company and the said Newport News street railway company, or a majority of them in joint meeting assembled, after thirty days' previous notice of the time and place for such meeting, published in some newspaper in the town of Hampton and in the city of Newport News, may accept the terms and provisions of this act; provided that stockholders in each of the said consolidated companies, representing not less than four-fifths in value of the stock of each of the said respective companies, shall agree thereto; and when the said stockholders, representing not less than four-fifths in the value of the stock of each of said companies shall have agreed to receive for their said stock so held by them the stock of the Newport News, Hampton and Old Point railway company, as hereinafter provided for, then this act shall become operative, and the said stockholders may proceed at once, by ballot, to elect a president and five directors, who shall constitute a board of directors for the said consolidated company, and elect a secretary and treasurer therefor; and the said board of directors so elected shall thereupon call in and cancel all the certificates of stock issued by the Hampton and Old Point railway company and the Newport News street railway company, held by stockholders agreeing to accept the stock of the Newport News, Hampton and Old Point railway company in lieu thereof, and merge the said capital stock, properties and franchises of both of the said consolidated companies into one capital stock, property and franchises of the new company under the name of the Newport News, Hampton and Old Point railway company; and certificates of the said new capital stock shall be issued to the

stockholders, respectively, in accordance with the valuation of the said respective stocks held in the Hampton and Old Point railway company and in the Newport News street railway company, the said valuation to be determined as hereinafter provided for.

3. That at the said meeting of stockholders of the Hampton and Old Point railway company and the Newport News street railway company as hereinbefore provided for, the said stockholders may agree as to the relative value of their said stocks, to be paid in the stock of the said Newport News, Hampton and Old Point railway company at such rate of valuation as may be agreed upon; provided that the stockholders of each of the said two companies, representing not less than four-fifths in value of the said respective stocks, shall agree and concur in the said valuation; and provided further, that such valuation shall allow to each stockholder of the Hampton and Old Point railway company and the Newport News street railway company at least as many shares of stock of the said Newport News, Hampton and Old Point railway company as such stockholder now holds in the aforesaid companies.

4. The capital stock of the Newport News, Hampton and Old Point railway company shall not be less than three hundred thousand dollars nor more than five hundred thousand dollars, to be divided into shares of one hundred dollars each.

5. The said Newport News, Hampton and Old Point railway company be, and it is hereby, authorized and empowered to operate as one road from Newport News, in the county of Warwick, to Old Point Comfort, the two roads heretofore known as the Hampton and Old Point railway company and the Newport News street railway company, and subject to any restrictions imposed by either of the aforesaid charters not inconsistent with this act.

6. The Newport News, Hampton and Old Point railway company shall be, and the same is hereby, invested with all the powers and subject to all restrictions provided and set forth in chapter forty-six of the code of eighteen hundred and eighty-seven, and any amendments thereto, not in conflict with any of the provisions of this act.

7. The said Newport News, Hampton and Old Point railway company shall be, and the same is hereby, authorized and empowered to construct a branch road, not exceeding five miles in length, or to purchase or lease any such branch road which may be so constructed, together with all of the rights, powers, properties, privileges and franchises of any such branch road which may be so purchased. Any such road may be so constructed, or any such road may be so purchased, only under a resolution adopted in general meeting by two-thirds of the votes of all the stockholders.

8. All taxes and assessments levied against the said Newport News, Hampton and Old Point railway company shall be paid in current money of the United States, and not in coupons.

9. This act shall be in force from its passage.

CHAP. 218.—An ACT to authorize the city council of Fredericksburg to issue its coupon or registered bonds for the purpose of constructing and improving streets and for other purposes of internal improvements and benefit to the city.

Approved February 1, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the council of the city of Frederickburg, in order to establish a system of sewerage for the said city, and for the purpose of grading, paving, curbing, macadamizing, blocking, or otherwise improving the streets of said city, and for other internal improvements, and for the purpose of assisting such enterprises within the city of a public and beneficial nature to the city as the citizens may approve, or for any one or more of said purposes, to issue coupon or registered bonds in sums not less than one hundred dollars, to an amount not to exceed the par value of fifty thousand dollars, to bear interest at a rate not to exceed five per centum per annum, payable semi-annually, said bonds payable thirty years after the date of their issue, and any, or all, of said bonds shall be redeemable at the option of the city council at any time after ten years from the date of their issue. The said bonds shall be signed by the mayor and the city treasurer, and attested by the clerk of the council, with the corporate seal of the city affixed thereto, and the coupons shall each bear the name of the city treasurer signed thereto. The said bonds shall be exempt from any and all taxation by the said city of Fredericksburg or the city council, and shall not be sold for less than their par value.

2. That the city council shall not issue any bonds provided for in this act until said council shall have taken the sense of the qualified voters of said city as hereinafter provided for; and said council shall not order any election under this act until a majority of the council have voted in favor of some definite measure or subscription, as the case may be, for the improvement of said city as contemplated by this act, and has ascertained the proximate cost thereof, and, if the same shall relate to sewerage or street improvement, they shall also ascertain and designate the streets and squares of said city to which such improvements are to apply, and shall publish all such information, at least once a week for two weeks, before any election held under this act, in one or more newspapers of said city for the information of the voters; and said council may hold such election in relation to any of the objects stated in the first section of this act, as often as a majority thereof may deem the same advisable, and until the issue of the bonds herein authorized has been exhausted; provided that no improvement subscription or measure proposed by the council which has once been rejected, at an election held under this act, shall again be submitted to the voters of the city for their approval or rejection.

3. That when the council has complied with the second section of this act and made a record of the same upon its minutes, it is authorized to make an order requiring the sergeant and the judges of election at such time, not less than thirty days from the date of

said order, which time shall be designated therein, to open a poll and take the sense of the qualified voters of said city, whether the said council shall make such improvement or subscription, as the case may be, as has received the approval of a majority of said council as aforesaid. The judges of election, after taking an oath to faithfully perform the duties assigned them, shall open polls at the voting places in said city, and shall conduct said election and close said polls as required by law in other elections. At said election each qualified voter, who shall approve said improvement or subscription, as the case may be, shall deposit a ballot on which is written or printed "For improvement" or "For subscription." And each voter opposed to said improvement or subscription shall deposit a ballot on which is written or printed "Against improvement" or "Against subscription," and each ballot shall be endorsed with the name of the voter, or the same shall not be valid. The judges of election, at the several voting places, shall immediately after the closing of the polls at each of said places count the ballots deposited, and shall, within two days after said election, make return to the mayor or other presiding officer of said council of the number of votes cast for the said improvement or subscription and the number of votes cast against the said improvement or subscription, as the case may be, and shall return to and deposit with the clerk of the corporation court of Fredericksburg in separate sealed packages the ballots for and against the improvement or subscription; and the council shall appoint four citizens of said city, two from each ward, who, with the clerk of the corporation court, shall constitute a board of commissioners, whose duty it shall be, within two days thereafter, to meet and, after taking an oath to faithfully perform their duty, open said packages of ballots, count the same, correct the returns, if necessary, and ascertain and report to the council how many of said ballots were cast by freeholders, and how many by non-freeholders for and against said improvement or subscription, respectively, which said report, signed by a majority of said board, shall be entered upon the minute book of said council.

4. If it appear by the report of the board of commissioners that three-fifths of the qualified voters of said city, voting upon the question, are in favor of said improvement or subscription, as the case may be, and that said three-fifths includes a majority of the votes cast by freeholders at such election, and a majority of the registered voters of said city, the city council of Fredericksburg is hereby authorized to enact such ordinances as may be necessary or appropriate to carry out and effectuate the provisions, and the full intent and meaning of this act; and to issue and dispose of so many of said bonds, as may be authorized by the vote taken and reported as hereinbefore provided.

5. That the city council be authorized annually to levy and collect taxes sufficient to pay the interest on all bonds issued under this act; and said council shall provide for the payment of the principal of said bonds when the same shall mature or become payable, and in their discretion may create a sinking fund to be applied to the redemption and payment of said bonds.

6. The funds derived from the sale of any bonds issued under this act shall be deposited in the city treasury as a separate and special fund, and no part of the same shall be used or applied to any other purpose than that for which the same was authorized by the voters of said city as herein provided.

7. That should a system of sewerage, whether general or partial, be authorized at an election under the provisions of this act, then the council shall have power within the limit of the money voted for such purpose to introduce such system in the city and in the streets and alleys of said city, and to establish, build, construct and own sewers for the drainage of said city; to adopt and establish such rules and ordinances regulating the drainage and sewerage of said city, its streets and alleys, and as to the use of the same, as the city council may deem necessary and expedient, and to enforce such rules or ordinances by the imposition of reasonable fines and penalties to be collected as other fines and penalties are collected under its charter; to make and collect reasonable charges against all persons for tapping or opening any sewer or sewers owned or controlled by said council; and to collect and enforce the payment thereof as taxes and levies are collected and enforced by said city; and when the carrying out of the provisions of this section shall, in the judgment of the council, require the use of any lot or part thereof, the council is authorized to institute condemnation proceedings in the event that they shall fail to agree with the owner as to the proper compensation therefor.

8. This act shall be in force from its passage.

CHAP. 219.—An ACT to amend and re-enact section 4093 of the code, in relation to recognizances.

Approved February 1, 1896.

1. Be it enacted by the general assembly of Virginia, That section forty hundred and ninety-three of the code be amended and re-enacted so as to read as follows:

§ 4093. How recognizances payable; penalty and condition; when surety required; when dispensed with.—Recognizances in criminal cases shall be payable to the commonwealth of Virginia. Every recognizance under this chapter, or under chapter one hundred and ninety-one and the chapters following to one hundred and ninety-nine, inclusive, shall be in such sum as the court or officer requiring it may direct. If it be to answer for a misdemeanor, or if required of a witness, it shall be with or without surety, as the court or officer may direct, but in all other cases shall be with surety deemed sufficient by the court or officer taking it. *In any such recognizance the liability of the surety or sureties may be limited to such sum or sums as they may respectively require.* The condition, when it is taken of a person charged with a criminal offence, shall be that he appear be-

fore the court, judge, or justice before whom the proceeding on such charge will be, at such time as may be prescribed by the court or officer taking it, to answer for the offence with which such person is charged; and when it is taken of a witness, in a case against any such person, shall be that he so appear to give evidence on such charge, and in either case shall be that the person or witness shall not depart thence without the leave of said court, judge, or justice; when taken for any other purpose than to appear so to answer or give evidence, it shall be with condition that the person of whom it is taken shall keep the peace and be of good behavior for such time, not exceeding one year, as the court or officer requiring it may direct; and, if such court or officer direct, it may, when taken of a person so charged, be with condition for so keeping the peace and being of good behavior in addition to the other conditions of his recognizance.

2. This act shall be in force from its passage.

CHAP. 220.—An ACT to amend and re-enact section 456 of the code, in relation to the lien for taxes and levies.

Approved February 1, 1896.

1. Be it enacted by the general assembly of Virginia, That section four hundred and fifty-six of the code be amended and re-enacted so as to read as follows:

§ 456. What real estate to be taxed, lien for taxes and levies, value of lands fixed by assessors not to be changed except, and so forth.—All real estate, except such as is exempted by the following section, shall be subject to such annual taxation as may be prescribed by law, and there shall be a lien on such real estate for the payment of the taxes and levies imposed thereon, *hereafter assessed prior to any other lien or incumbrance thereon*, and there shall be a further lien upon the rent of said real estate, whether the same be in money or in kind, for taxes of the current year. The value of lands and lots, as ascertained in pursuance of the provisions of chapter twenty-three, and the ascertained value of the new grants which may hereafter be entered and assessed shall not be changed, except to allow the addition of the value of improvements, or a total or partial deduction of the value of such improvements.

2. This act shall be in force from its passage.

CHAP. 221.—An ACT to amend and re-enact sections 12 and 15 of chapter 617 of acts of assembly 1893-94, entitled an act to provide for opening new roads and building bridges, etc., in the county of Rockbridge.

Approved February 1, 1896.

1. Be it enacted by the general assembly of Virginia, That sections twelve and fifteen of chapter six hundred and seventeen of acts of assembly, eighteen hundred and ninety-three and ninety-four, entitled an act to provide for opening new roads and building bridges and working and keeping in repair the public roads and bridges in Rockbridge county, be amended and re-enacted, as follows:

§ 12. In opening new roads and building bridges costing less than three hundred dollars, or in repairing bridges, such work may be done by contract or otherwise. If by contract, any board of road commissioners may prescribe such regulations and take such bonds and security of contractors as may be deemed wise and best; but in building bridges costing three hundred dollars or more, and in repairs to bridges costing two hundred dollars or more, the general statutes in such cases made and provided shall apply.

§ 15. The cost of working and repairing the public roads and of opening new roads shall be borne by the respective districts in which they are located, as also shall the building of bridges costing less than three hundred dollars, and repairs to any bridge costing less than two hundred dollars. But should any great or unforeseen damage casually occur by extraordinary floods to any road or roads, and the road commissioner of the district or districts affected thereby are unable, with the means and labor at their command, to repair such road or roads, he or they may apply to the county court, and the court, with the concurrence of the board of supervisors, or a majority of them in meeting assembled, may appropriate such sums from the county levy as may meet the exigency. All bridges costing three hundred dollars or more shall be built by the county at large, and all repairs to any bridge costing two hundred dollars or more shall also be paid by the county.

2. This act shall be in force from its passage.

CHAP. 222.—An ACT to amend and re-enact section 7 of an act entitled an act to incorporate the Potts Valley railroad and iron company, as amended and re-enacted by chapter 140 of the session acts of 1893-'94, approved February 6, 1894.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section seven of an act entitled an act to incorporate the Potts Valley railroad and iron company, as amended and re-enacted by chapter one hundred and forty of the acts of eighteen hundred and ninety-three and eighteen hundred and ninety-four, approved February sixth,

eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

2. The annual meetings of said company shall be held at such place, either within or without the limits of this state, and at such time as may be fixed by the directors or stockholders of said company, but its principal office shall be in this state. The first meeting of the stockholders or corporators shall be held at Covington, in this state, after publication of notice of the time of such meeting for two weeks in some newspaper, published in said town, and by letter from one or more of said corporators to the others. Notice of the other meetings, general or special, shall be given in the manner prescribed by the by-laws of the company, and in the absence of any such by-laws, the notice shall be such as is provided by the laws of this state for such companies.

The construction of said road to be begun in two years and completed in five years, from April the first, eighteen hundred and ninety-six.

3. This act shall be in force from its passage.

CHAP. 223.—An ACT to allow M. S. Cahoon, treasurer of Botetourt county, further time to make settlements and return delinquents and collect tax tickets.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That M. S. Cahoon, treasurer of Botetourt county, be allowed until the first day of July, eighteen hundred and ninety-seven, to make final settlement of his accounts with the board of supervisors of Botetourt county, and to make returns of insolvents and delinquent lists of county taxes for eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, and eighteen hundred and ninety-four; and when said lists have been certified by the board of supervisors and by the county court of Botetourt, as prescribed by law, the said treasurer shall be allowed the proper credits in his settlement with the supervisors and school boards of his county: provided that the sureties on his official bond shall agree in writing to this extension of time.

2. The said M. S. Cahoon, treasurer, is hereby authorized to collect by himself or by his deputies, in the manner prescribed by law, such tickets for state taxes and county levies as yet remain in his hands which have not been returned insolvent or delinquent for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, and eighteen hundred and ninety-four, and for which he has accounted to the auditor: provided the same shall be collected by the first day of July, eighteen hundred and ninety-seven.

3. This act shall be in force from its passage.

CHAP. 224.—An ACT making it unlawful for insurance companies, not incorporated by the laws of the state of Virginia, but legally admitted to do business therein, to place, or cause to be placed, insurance on property in this state in offices outside of the state in violation of the tax laws of the state of Virginia, and prescribing penalties for violation of the same, and prescribing the duties and compensation of the auditor of public accounts in relation thereto, and providing for renewal of license privileges of companies doing business in this state.

Approved February 5, 1896.

1. Unlawful to insure property in the state of Virginia except through resident agents.—Be it enacted by the general assembly of the state of Virginia, That fire insurance companies, not incorporated by the laws of the state of Virginia, but legally authorized to do business in this state, shall not make contracts of insurance on property herein save through regularly constituted agents of such companies; provided, however, that this act shall not apply to railroad companies and other common carriers engaged in interstate commerce; and the writing, placing, or causing to be written or placed, any policy of fire insurance in contravention of this act, is hereby declared to be a violation of the laws of this state, providing for the payment of taxes by foreign insurance companies permitted to do business in Virginia.

2. Violation of act; penalty.—Any company or officer, or agent thereof, legally admitted to do business in Virginia, violating any of the provisions of this act, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars for each offence, and when any such company shall have been found to have so violated this act, upon the first offence its license to do business in this state shall also be revoked for a period of ninety days; and the auditor of public accounts of this state shall be required to cause a notice of such revocation of authority to do business in this state to be published in any paper of general circulation published in the city of Richmond, and after the publication of such notice it shall be unlawful for any person, agent, firm or corporation of such insurance company or companies to procure any new applications for insurance in such company or companies, or to issue any policies or renewals therein, pending re-instatement of such company or companies' authority to do business in this state. And any company or companies, whose license may be so revoked by the auditor of public accounts of this state, shall not be again permitted to do business in Virginia until all taxes and penalties due on said conviction shall have been paid, together with any expenses that may be due under the provisions of this act, to the auditor of public accounts of this state.

3. Duty of auditor of public accounts.—Whenever the auditor of public accounts of this state shall receive information of any violation of the first section of this act, whether such information shall be by an exhibition of the policy or policies about which complaint is made, or upon affidavit of party or parties preferring charge, it shall be his duty, in person or by deputy, to forthwith cause an in-

vestigation of the correctness of such charge or charges of violation of the first section of this act, and, when necessary to obtain conclusive information, shall visit such company or companies' office, where such contract may have been written, made, or recorded, and examine the books and records of the same; provided the expenses of the said auditor shall be paid in advance by the person or persons making the charge, to be refunded to said person or persons should the charge be sustained. Any company or companies refusing to exhibit its or their books and records for his inspection, shall be deemed to be guilty of violating the provisions of the first section of this act, and the penalties provided herein shall immediately be enforced against such company or companies by the auditor of public accounts of this state, in the manner prescribed by sections number five hundred and seventy-four, five hundred seventy-five, five hundred and seventy-six, and five hundred and seventy-seven of the code of Virginia.

4. Expenses of auditor of public accounts.—The auditor of public accounts of this state, or his deputy, shall receive, as a compensation for the services rendered under the third section of this act, his necessary traveling expenses and all reasonable expenses incurred, together with ten dollars per diem, which sum shall be charged against the company or companies so found guilty by him, and collected from such company or companies. In case such company or companies be found not guilty, the necessary traveling expenses and other expenses incurred by him shall be retained out of the moneys paid in advance by the person or persons preferring the charges.

5. When annual license to issue.—Renewal of privilege to transact the business of fire insurance in this state by companies not incorporated by the laws hereof, shall only issue after the secretary or manager of such company or companies so desiring to renew license to do business in Virginia, shall first have made oath that no policy or policies of insurance covering property in the state of Virginia has been issued during the twelve months preceding, except by resident agents of such company in Virginia, duly commissioned, and until and after such company or companies shall have complied with other laws heretofore adopted by this state and now in force in respect to the admission of companies of other states and countries.

6. This act shall be in force from its passage.

CHAP. 225.—An ACT to repeal the charter of the "Monarch fire insurance company" of Alexandria county, Virginia, which was granted by the judge of the circuit court of Alexandria county, on the 12th day of February, 1896, under section 1145 of the code of Virginia and amendatory acts.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the Monarch fire insurance company of Alexandria county, Virginia,

which was granted upon the application of Thomas Francis, junior, William Small, P. Bruce Anderson, John D. Garden, and William J. Anderson, by Honorable Charles E. Nicol, judge of the circuit court of Alexandria county, on February twelfth, eighteen hundred and ninety-five, and which is recorded in charter book number one, at pages eighty-five to eighty-seven (the same being the book provided and kept for the purpose, pursuant to section one thousand one hundred and forty-five of the code of Virginia, in the clerk's office of the circuit court of Alexandria county), and which charter, after being certified by the clerk of said court, was, on the sixteenth day of February, eighteen hundred and ninety-five, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been, or which may be, brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 226.—An ACT to amend and re-enact section 2625 of the code of Virginia, in relation to how right of dower of insane wife may be passed, and how right of curtesy of insane husband may be passed, same right in purchase money to be secured to her or him, or compensation made.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-six hundred and twenty-five of the code of Virginia, in relation to how the right of dower of an insane wife may be passed, same right in purchase money to be secured to her or compensation made, be amended and re-enacted so as to read as follows:

§ 2625. If the husband of an insane wife wish to sell real estate and to have her right of dower therein released to the purchaser, or if the wife of an insane husband wish to sell real estate and have his right of curtesy therein released to the purchaser, he or she, as the case may be, may petition for the purpose the circuit court of the county or circuit or corporation court of the corporation in which such estate or some part thereof is; and if it appear to the court to be proper, an order may be made for the execution of such a release by a commissioner to be appointed by the court for that purpose, which release shall be effectual to pass her said right of dower or his right of curtesy, as the case may be, to the purchaser. But the court shall make such order as, in its opinion, may be proper to secure to the insane wife or husband, as the case may be, the same interest in the purchase money and the income thereof that she or he would have had in the real estate and income thereof, if it had not been sold, or, at the discretion of the court, to secure to her or to him, as the case may be, out of the purchase money such sum in gross as, in the court's opinion, may be sufficient to compensate her for right of dower or him for right of curtesy.

2. This act shall be in force from its passage.

CHAP. 227.—An ACT to allow W. C. Chaney, deputy for John R. Whitehead, late treasurer of Pittsylvania county, additional time to levy for and collect tax tickets for the years 1890, 1891, 1892 and 1893, held by said Chaney and not returned delinquent.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That W. C. Chaney, deputy for John R. Whitehead, late treasurer of Pittsylvania county, be, and he is hereby, allowed a further period of one year from the first day of February, eighteen hundred and ninety-six, in which to collect, by levy, tax tickets and county levies for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, and eighteen hundred and ninety-three, which have not been returned delinquent or insolvent, and for which he has accounted to the state and county authorities: provided that said Chaney shall have all the rights and remedies heretofore existing, or now provided by law, for the collection of said taxes and levies for the several years hereinbefore enumerated, and whether said taxes and levies were assessed upon real or personal estate.

2. This act shall be in force from its passage.

CHAP. 228.—An ACT to allow J. L. Saunders, treasurer of Henry county, further time in which to collect taxes and county levies for the years 1891, 1892, 1893 and 1894.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That J. L. Saunders, treasurer of Henry county, Virginia, be, and he is hereby, allowed a further period of one year from the passage of this act in which to collect by levy taxes and county levies for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, and eighteen hundred and ninety-four, which have not been returned delinquent or insolvent, and for which he has accounted to the state and county authorities: provided that said J. L. Saunders, treasurer as aforesaid, shall have all the rights and remedies heretofore existing or now provided by law for the collection of said taxes and levies for the several years hereinbefore enumerated, and whether said taxes and levies were assessed upon real or personal estate.

2. This act shall be in force from its passage.

CHAP. 229.—An ACT to amend section 2 of an act entitled an act to incorporate the town of Shendun, Virginia, approved February 16, 1892.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section two of an act entitled "An act to incorporate the town of Shendun,

Virginia," approved February sixteenth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 2. The boundaries of the said town shall be as follows, namely: Beginning at the northeastern corner of the villa lot portion of Shendun, the intersection of the northern line of Shendun Pass street with the eastern line of the alley lying east of Gloucester street; thence in a southerly direction along the east side of said alley to the southern side of E street; thence westwardly along said side of E street, to the right of way of the Norfolk and Western railroad; thence northerly along said right of way to the line dividing the tract recently owned by Mary E. Crawford, from the tract now owned by the Grottoes of the Shenandoah company; thence westwardly along said last mentioned line to the middle of South river; thence down the middle thread of said river to Twenty-first street extended; thence east with Twenty-first street to the right of way on the western side of the Norfolk and Western railroad; thence along the western side of said right of way, to a point where the northern line of the property of the Middle Shendun land company, if extended westwardly, would intersect said right of way; thence crossing the railroad to a corner of Middle Shendun; thence along the lines of Middle Shendun, south seventy-three degrees and thirty-nine and three-fourths minutes east, seven hundred and fifty-seven and one-tenth feet; thence north twenty-three degrees and nine minutes east, thirteen and four-tenths feet; thence south fifty-nine degrees and fifty-nine and three-fourths minutes, east eight hundred and eighty-two and two-tenths feet; thence north twenty-three degrees and two and one-fourth minutes west, seven hundred and seventy-four and nine-tenths feet; thence north fifty-eight degrees and eighteen and one-half minutes west, one hundred and ninety-one and twenty-five hundredths feet; thence south twenty-two degrees and thirty and one-half minutes west, sixteen hundred and sixty and forty-five hundredths feet, to the southeastern corner of Middle Shendun; thence continuing in the same direction, to Shendun Pass street; thence eastwardly along the northern side of said street to the point of beginning.

The greater portion of said territory lies in the county of Rockingham, possibly a very small portion thereof lying in Augusta county, the boundary line at this point not being accurately fixed. The streets and alleys mentioned in the above description are shown on maps of the property of Grottoes company known as the map of the villa lot portion and the map of the business parts of Shendun, Virginia, and are duly recorded in the clerk's office of the county courts of Rockingham county and Augusta county.

2. This act shall be in force from its passage.*

CHAP. 230.—An ACT to incorporate the board of trade of Martinsville, for the purpose of encouraging, promoting, and regulating the sale of and trade in leaf tobacco in said town.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That for the purpose of encouraging, promoting, and regulating the sale of leaf tobacco and trade therein in the town of Martinsville, Virginia, so far as the same may be done under and in accordance with the laws of this commonwealth, W. M. Semple, G. B. Dudley, W. R. Nunn, J. D. Stultz, G. H. Semple, J. H. Spencer, Pannill Rucker, W. S. Brown, P. P. Watson, George W. Coan, J. L. English, J. B. Sparrow, A. D. Stultz, B. F. Gravely, H. C. Lester, J. H. Stanley, J. E. Philpott, B. P. Davis, J. M. Jarrett, O. C. Smith, A. T. Jones, A. J. Bullington, and such other persons as they may associate with them, are hereby chartered and incorporated as a body corporate and politic under the corporate name of the board of trade of Martinsville.

2. Said board of trade shall be authorized and empowered to make all necessary rules, by-laws and regulations as a majority of its members may deem proper for the promotion of its objects and the purposes of its incorporation, and such rules, by-laws, and regulations to alter, amend or repeal whensoever determined by a majority vote of any duly constituted meeting of said board of trade.

3. Said board of trade shall have power to elect all such officers as may be required for its organization and successful operation, and to enforce the proper observance of all its rules, regulations and by-laws by such fines and penalties as a majority of the members present at any call meeting may determine to impose, and by the expulsion of a member or members by a vote of two-thirds of the members present at such call meeting; but the mode of assembling any such call meeting, and also the number of the members necessary to constitute the same, shall be fixed by the by-laws of the said board of trade, and its regular meetings shall be held at such times as said board of trade shall determine.

4. All fines and penalties imposed by said board of trade upon its members may be collected by warrant in the name of its treasurer before any justice of the peace of the town of Martinsville, and in case of any offending or delinquent member shall remove from said town, or shall not reside therein, then before any justice of the peace within whose jurisdiction he may reside; and said board of trade moreover shall be authorized to punish by expulsion any member who may neglect or refuse to pay any fine imposed on him for more than five days after the same shall have been imposed; but no fine or penalty imposed by said board of trade shall exceed fifty dollars for any one offence.

5. This act shall be in force from its passage.

CHAP. 231.—An ACT to amend and re-enact section 4018 of the code of Virginia, in relation to venire facias in case of felony; what to command; number of persons to be summoned and how selected.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section four thousand and eighteen of the code of Virginia, be amended and re-enacted so as to read as follows:

§ 4018. Venire facias in case of felony; what to command; number of persons to be summoned, and how selected.—The writ of venire facias, in case of felony, shall command the officer to whom it is directed, to summon sixteen persons of his county or corporation, to be taken from a list to be furnished him by the court of such county or corporation, or the judge thereof, residing remote from the place where the offence is charged to have been committed, and qualified in other respects to serve as jurors, to attend the court wherein the accused is to be tried, on the first day of the next term thereof, or at such other time as the court or judge may direct. If more than two cases are to be tried at one term of the court only two juries shall be summoned, unless the court or judge otherwise direct, and the juries so summoned may be used for the trial of all the cases.

2. This act shall be in force from its passage.

CHAP. 232.—An ACT to amend and re-enact first section of acts of 1893 and 1894, chapter 198, for the protection of game in the counties of Charlotte and Mecklenburg.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to kill or capture, buy or sell wild turkeys in the county of Charlotte between the first day of February and the first day of October, and in Mecklenburg county between the first day of February and the first day of November, or at any time to take or destroy the eggs of wild turkeys.

2. This act shall be in force from its passage.

CHAP. 233.—An ACT to incorporate the Herndon and Aldie railway company

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That Jacob W. Starr, John S. Duffie, R. Allison Baker, Charles R. Starr, Frank

M. Ballou, F. P. Starr, Joel Grayson, Benjamin B. Detwiler, Benjamin C. Garrett, W. Floyd Middleton, Edwin L. Detwiler, Enos L. Garrett, R. Bradshaw, Andrew G. Hutchinson, Ferdinand D. Stephenson, Henry A. Johnson, of Fairfax county, Virginia; A. Leigh, junior, Columbus Choate, Fred. W. Mitchell, Henry Garrett, Guy E. Mitchell, and such other persons as may hereafter be associated with them and their successors, be, and are hereby, constituted a body corporate and politic, to be known as the Herndon and Aldie railway company.

2. The capital stock thereof shall be one hundred thousand dollars, but the same may be increased, not to exceed one-half million dollars, at the pleasure of a majority of the holders of shares representing a majority of the capital stock at the time such meeting shall be held, and the majority of the whole issue of stock be then present at such meeting.

3. The capital stock shall be in shares, each of the par value of one hundred dollars, and each share shall be entitled to one vote.

4. Whenever the sum of ten thousand dollars shall be subscribed to said capital stock of said company, and two per centum thereof paid upon each subscription in cash, lands, property or other thing of value, the subscribers to said stock who shall have made such or greater payment shall be stockholders in said company; then they shall meet in the town of Herndon, in Fairfax county, and organize this company by electing from among the stockholders not less than five nor more than nine persons, who shall be the board of directors for and of this company, each share being entitled to one vote; this board of directors shall, from among their own number, select one of them to be president of the company, and he shall also be president of said board.

5. This corporation, through its board of directors, may constitute such offices as it sees fit, and may fill the same with persons competent to discharge the duties appointed to be performed, and it in like manner may appoint such agents, attorneys, employees, servants and others as may by the board be thought proper to carry on its affairs, purposes and designs.

6. This company may receive from any person or corporation voluntary donations of lands, bonds, stocks, money, or other property or thing in aid of the construction and equipment of its road; and may hold and use any such property as part of its capital; and may sell, hypothecate or dispose of any real or personal property it may acquire by deeds or conveyance, mortgage, deed of trust, bill of sale or other form of conveyance or writing, which the board of directors may direct to be executed by the president and secretary; provided, that the right of way, road-bed, and franchise shall not in any manner be disposed of without the consent of a majority of the stockholders, representing a majority of the stock.

7. It may also receive subscriptions to its capital stock in real estate, labor, material, or property of any and every sort from persons or individuals, towns, counties, or municipalities within or without this state, and make such arrangements, contracts, and engagements as it may desire to effect or agree upon, for, about, or

touching the negotiation, pledge, hypothecation, sale, endorsement, purchase, exchange or otherwise, of any real or other property, right, franchise or thing it may own, possess, control, or have interest of any sort in, in order to facilitate, complete, and carry on its works and purposes, not inconsistent with the provisions in section five.

8. This company is hereby given power to locate, construct, stock, equip, work, and operate any wood or iron tramway or railroad of any gauge the board of directors may elect or determine, with turnouts, sidings, switches, stations, depots, and such other conveniences as may be deemed necessary, from a point on the Potomac river opposite the city of Washington, District of Columbia, or westward thereof; thence through the towns of Herndon, Arcola (Gum Spring), Aldie, and such other towns as may be deemed most advisable, to any point or points on the western, southwestern or southern boundary line of the state of Virginia, either or all, not exceeding twenty miles in length.

9. Any county, municipality, or town through or in which the road of said company, or any branch thereof, may be located, may subscribe to the capital stock of said company in the mode prescribed by law.

10. Said company shall have the right to cross at grade, or over or under grade, intersect, join, or unite its railway with any other railway now built or constructed, or hereafter to be built or constructed, at any point on its route upon the grounds of such railway company, with necessary turnouts, sidings, switches, and other conveniences in furtherance of the object of its construction; but the said railway company shall not lay its tracks across the tracks of any other railway company at grade until the terms and plans of such crossing have been agreed to by such other roads; and should said railroads not be able to agree upon the terms and plans of such crossing, the question shall be submitted to arbitration of persons, one selected by each party; and the arbitrators failing to agree, they shall call in an umpire to decide between them.

11. Whenever any part or portion of its line or road is built and ready, this company may equip and operate the same as though the whole was completed; and it may provide for transportation of passengers, freight, stock, and all other things, and collect such charges and tolls therefor as are proper or provided by law.

12. This company may issue shares of stock, and may, from time to time, declare such dividends thereon as may be in the opinion of the directors wise and proper, and direct that the same be paid in cash or in scrip, and to that end they may issue scrip in payment thereof, redeemable as they may determine. This company may issue bonds or other evidence of indebtedness, bearing a rate of interest not in excess of six per centum per annum, and secure the same by a deed of trust upon its real estate, property, franchises, rights and interests, and may negotiate and sell said bonds or evidences of indebtedness; and it may sell the same for a less sum than the face value thereof in order to raise money to carry on its affairs and better its condition; and may make such terms and arrange-

m^{ts} concerning the payment of interest thereon and for use of moneys borrowed by it as it may see fit.

13. This corporation shall be subject to the general provisions of the statutes in reference to chartered companies in this state when not in conflict with this act.

14. This company shall make and use a common seal, and shall have annual meetings of the stockholders, at which its directors shall be elected; and such annual meetings shall always be at the place where its central office for the transaction of its general business is established, which shall be within the state of Virginia.

15. This corporation shall begin operations and work upon its road within two years from the date of the passage hereof, and shall complete the same within five years thereafter.

16. All taxes due the commonwealth by the said company shall be paid in lawful money of the United States, and not in coupons.

17. This act shall be in force from its passage.

CHAP. 234.—An ACT for the relief of Mrs. Eliza B. Burch, of Petersburg, Va.

Approved February 5, 1896.

Whereas sundry lots and parcels of land situated in the city of Petersburg along, or near to the boundary line between said city and the county of Prince George, belonging to Mistress Eliza B. Burch, of said city, acquired by her as a devisee under the will of the late Patrick Foley, of said city, and as an heir at law of a devisee of said testator, which said lots and parcels of land for several years have stood on the land books of said city in the name of the estate of said testator; and whereas since the year eighteen hundred and seventy-five sundry errors and omissions have been made in the entries in said land books in respect to said lands, some of them to the prejudice of said Eliza B. Burch, some to the prejudice of the commonwealth, and some to the prejudice of said city; and whereas as a result of said erroneous entries there have accumulated sundry delinquent and past due state and corporation taxes, and the liens thereof have embarrassed the sale of said lands to the prejudice of all parties concerned; and whereas relief may be granted by a correction of said errors and omissions and the proper apportionment of said several delinquent and past-due state and corporation taxes among the several lots and parcels of said land into which the same has been subdivided, so that each lot or parcel thereof will be charged with and subject only to the liens of so much of said state and corporation taxes as properly belong to such lot or parcel of land: therefore,

1. Be it enacted by the general assembly of Virginia, That it shall be lawful and competent for the corporation court of said city, upon the application of said Eliza B. Burch, her assignees, devisees, or heirs at law, made within six months from the passage of this act, to correct all errors and omissions in the land books aforesaid in the

assessments of the lots or parcels of land aforesaid, to apportion the state and city taxes aforesaid, according to the assessments of said lots or parcels of land as the same shall be so corrected, the liens of said taxes and of the charges, penalties, and interest thereon, to affect and bind each particular lot or parcel of land only to the amount thereof to be so apportioned to such lot or parcel.

2. Said corporation court, in correcting said errors and omissions, shall not be restricted by the limitation of time prescribed by sections five hundred and sixty-seven and five hundred and seventy-one of the code of Virginia, but shall make no order affecting the rights of said city until the city attorney of said city, as well as the attorney for the commonwealth for said city, shall have been notified of the proceedings under this act: provided, however, that nothing in this act shall be construed as authorizing the said court to release any taxes to which the commonwealth or city of Petersburg may be by law entitled, the object of this act being to properly apportion, among the several lots and parcels of land aforesaid, the delinquent state and city taxes lawfully due thereon.

3. This act shall be in force from its passage.

CHAP. 235.—An ACT authorizing inspectors of oysters to assign to the owners, managers, or lessees of hotels ground under the water for bathing ground.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for and shall be the duty of the inspectors of oysters of the several counties, cities and districts in this state, upon the terms and conditions hereinafter set out, to designate, survey, and assign to any owner, manager, or lessee of any hotel, adjacent or near to any water front, on any bay, river, creek, or sea of this state, within their respective jurisdiction, any location under the water, on said water front, or on the beds of said bays, rivers, creeks, or seas, for the purpose of bathing grounds, which under the laws of this state, may be assigned to any person, for the purpose of the planting and the propagation of oysters.

2. That it shall be the duty of any such person, firm, or corporation desiring to obtain a location for the purpose aforesaid, to apply to the inspector of oysters of the county, city, or district in which the location lies, to have his location ascertained and designated and surveyed, and the same shall be marked with suitable stakes, smooth and free from snags, or by other metes and bounds, courses and distances, having their places of beginning and ending designated by permanent objects on the shore, agreed upon between the applicant and inspector, and the said applicant shall pay the inspector for his services a fee of two dollars, and he shall also pay to the inspector rent for the use of the said location assigned him, at the rate of two dollars per acre for each and every year of his rental.

The said applicant, so long as he continues to pay such rent, shall have the exclusive right to occupy said location for the purpose aforesaid, subject, however, to the right of revocation, at any time, by the general assembly of Virginia.

3. That if any such location be occupied by such applicant as bathing grounds, or held by such applicant under proper assignment, evidenced by the receipt or certificate of the inspector at the time a location is made under this act or other laws of the state, the said occupant shall have the prior right against all others to have the location so occupied by him assigned to him by the inspector; provided the said occupant shall have the location so occupied by him ascertained and designated within thirty days from the time the inspector is called on by any person to locate the same.

4. That the application for the assignment of such location shall be made to the oyster inspector of the city, county or district in which said grounds are located, stating, as near as may be, the number of acres applied for (which in no case shall exceed thirty acres), the name of the waters in which located, the purpose for which the said grounds are to be used, and the name of one or more prominent points or places convenient to said grounds; thereupon the said inspector shall cause notice of said application to be posted for at least thirty days at the court-house door of said county, and at two or more places in the vicinity of said grounds. The said notices shall contain the name or names of the applicants, the number of acres applied for, the name of the waters where located, the purpose for which the grounds are to be used, and the name of one or more prominent points or places in the vicinity of said grounds. After the expiration of the thirty days' notice aforesaid the inspector shall cause the said grounds so applied for to be surveyed at the cost of the applicant, and thereupon the inspector shall assign the same to said applicant: provided that the said grounds be not a natural bed, rock or shoal within the meaning of the laws of this state.

5. That the inspector shall pay over the rental received by him under this act in the same manner as is now provided by law in the case of rentals received for oyster-planting grounds, stating specifically in his report the object for which said grounds are assigned: provided that nothing in this act shall be construed to interfere or impair any vested right acquired under the oyster laws of this state prior to the passage of this act: provided, further, that this act shall not be construed to interfere with or impede the progress of navigation in any way.

6. This act shall be in force from its passage.

CHAP. 236.—An ACT for the protection of fish in the waters of Clinch river, in Russell county.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to injure, kill, or capture fish in any of the waters of Clinch river, in the county of Russell, by the use of seines, poison, dynamite or other explosives thrown or placed in any of the said waters, or to fish in any other way or manner except by gigging, shooting, angling with hook and line, or to take or catch fish known as red-eyes from heads of springs as they run in or out of said springs by the usual methods.

2. Any person guilty of violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than forty nor more than one hundred dollars for each offence.

3. All acts and parts of acts in conflict with this act are hereby repealed.

4. This act shall be in force from its passage.

CHAP. 237.—An ACT to authorize the school board of Catalpa district, in Culpeper county, to borrow money.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That the school board of Catalpa school and magisterial district of Culpeper county be authorized to issue bonds to an amount not exceeding two thousand dollars, to run not exceeding ten years, and bearing interest not exceeding six per centum per annum, and to be taken up at any time after two years at the discretion of the board, for the purpose of funding the indebtedness of said Catalpa school and magisterial district incurred in the erection of a substantial brick building, to be used for school purposes in the education of colored children of said district of school age (five to twenty-one years of age), the old school for colored children having been destroyed by fire in eighteen hundred and ninety-five. The board of supervisors of Culpeper county are authorized and empowered to levy a tax not exceeding five cents on the one hundred dollars of assessable property of said district, a special fund to be appropriated annually to the payment of the interest on the said bonds and the extinguishment of the principal until the whole shall be paid.

2. This act shall be in force from its passage.

CHAP. 238.—An ACT to amend and re-enact section 9 of “an act entitled an act to incorporate the Gladeville railroad company, in Wise county,” approved February 20, 1892.

Approved February 5, 1896.

Whereas the Gladeville railroad company, incorporated by an act of the general assembly, approved February twentieth, eighteen hundred and ninety-two, has constructed a road-bed, including trestles, from Ramsey, on the Norfolk and Western railroad, to the town of Gladeville, in Wise county, but has not as yet equipped and put in operation said line of road, owing as it is represented to the great financial depression that has prevailed in this country, and further time is asked for the completion of the same: now, therefore,

1. Be it enacted by the general assembly of Virginia. That section nine of chapter three hundred and twenty-four of the acts of the session of eighteen hundred and ninety-one and ninety-two, be amended and re-enacted so as to read as follows:

§ 9. The said company shall be required to complete the construction of said line from Ramsey to Gladeville, or some other line, from Gladeville to a point on the line of the Louisville and Nashville or Norfolk and Western railroad within five years from the first day of March, eighteen hundred and ninety-six; otherwise the powers, privileges and franchises hereby granted, shall be annulled and become void.

2. This act shall be in force from its passage.

CHAP. 239.—An ACT to provide for submitting the question of liquor license to the qualified voters of the town of Floyd, in the county of Floyd.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That upon the presentation of a petition of such of the qualified voters of the town of Floyd, Floyd county, as constitute one-fourth of the persons voting at the preceding town election for town officers, in term or vacation, to the judge of the county court of Floyd, said judge shall order a special election in conformity with sections five hundred and eight-one, five hundred and eighty-two, five hundred and eighty-three, and five hundred and eighty-four of the code of Virginia, chapter twenty-five; and, if it appear from the abstracts and returns that a majority of the votes cast at such election were against liquor license, no license shall be granted for the sale of wine, spiritous or malt liquors, or any mixture thereof, within the corporate limits of said town. Sections five hundred and eighty-six and five hundred and eighty-seven of the code of Virginia, chapter twenty-five, shall apply to the said town of Floyd.

2. This act shall be in force from its passage.

CHAP. 240.—An ACT to amend and re-enact section 10, chapter 188, acts of 1891-'92, entitled an act to amend and re-enact chapter 336, acts of 1889-'90, entitled an act to amend and re-enact chapter 192 acts 1885-'86, entitled an act to incorporate the town of Pulaski City.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section ten of chapter one hundred and eighty-eight, acts of eighteen hundred ninety-one and ninety-two, entitled an act to amend and re-enact chapter three hundred and thirty-six, acts of eighteen hundred and eighty-nine and ninety, entitled an act to amend and re-enact chapter one hundred and ninety-two, acts of eighteen hundred and eighty-five and eighty-six, entitled an act to incorporate the town of Pulaski City, in the county of Pulaski, be amended and re-enacted so as to read as follows:

§ 10. The council shall have the power to levy such taxes as may be necessary for the purposes of the corporation: provided that no tax upon the real and personal property in said town shall exceed one dollar on the one hundred dollars assessed value thereof, exclusive of road tax, and the said council shall have the power and authority to levy a license tax not exceeding ten dollars per day on all itinerant salesmen who may offer their goods or wares for sale, barter, or exchange within the corporate limits of said town. The words itinerant salesman as here used shall be construed to mean any person travelling from place to place and offering merchandise, manufactured articles, or wares of any kind for sale, either from temporarily established places of business or on the streets, but shall in no wise be construed to mean salesmen who sell from samples with subsequent delivery of goods, or hucksters and venders of country produce.

2. This act shall be in force from its passage.

CHAP. 241.—An ACT to amend and re-enact section 4 of an act entitled an act to establish an additional court for the city of Norfolk, and to define its jurisdiction.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section four of an act entitled an act to establish an additional court for the city of Norfolk, and to define its jurisdiction, approved February twelfth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 4. There shall be a term of the said court of law and chancery held for each month in the year, except that the judge may omit the terms to be held for the months of August and September, or either of them. The said term shall begin on the third Monday in each month, except the October term, which shall begin on the first

day of October. The said term shall continue as long as the business of the court may require, and shall be for the trial of all causes, both at law and in chancery, but the chancery docket shall be called before the law docket at the terms to be held in February, April, June, October, and December. The rules for the said court shall be the same as are now, or may hereafter be, prescribed for the circuit courts of this commonwealth.

2. This act shall be in force from its passage.

CHAP. 242.—AN ACT in relation to the third, fourth, fifth and sixth judicial circuits, and the salaries of the judges thereof.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That the fifth judicial circuit be, and the same is hereby, abolished.

2. That the county of Appomattox do constitute and is hereby declared to be a part of the third judicial circuit; that the county of Campbell and the city of Lynchburg do constitute, and are hereby declared to be a part of the fourth judicial circuit, and that the counties of Amherst and Nelson do constitute, and are hereby declared to be a part of the sixth judicial circuit.

3. That the salary heretofore paid to the judge of the fifth judicial circuit be paid as follows: Three hundred dollars to the judge of the third judicial circuit, seven hundred dollars to the judge of the fourth judicial circuit, and six hundred dollars to the judge of the sixth judicial circuit.

4. This act shall be in force from its passage.

CHAP. 243.—AN ACT to authorize the construction by the Piedmont soapstone company of tramways or railroad not exceeding twenty-five miles in length, and the encumbering and disposal of the same.

Approved February 6, 1896.

1. Be it enacted by the general assembly of Virginia, That the Piedmont soapstone company, a corporation chartered and incorporated by order of the corporation court of the city of Charlottesville, Virginia, entered on the twenty-third day of April, eighteen hundred and ninety-five, and the charter of which is duly recorded in the office of the secretary of the commonwealth, be, and the said company is hereby, authorized and empowered, in addition to its powers, rights, and franchises granted in said charter, to construct, operate, and maintain a tramroad or railroad from a point at or near Musterfield ford, on Buffalo river, in the county of Nelson, either to some

point on the Virginia Midland railroad (sometimes called the Southern railway), in the county of Amherst or Nelson, or to some point on the James river division of the Chesapeake and Ohio railroad, said county of Nelson, or to both; and the said Piedmont soapstone company shall be further authorized and empowered to construct, operate, and maintain a railroad or tramroad from any property which it may own or acquire in the counties of Nelson or Albemarle either to the said Virginia Midland railroad, or the said James river division of the said Chesapeake and Ohio railroad, or to both; provided, however, that no railroad or tramroad to be constructed aforesaid under this charter shall be of greater length than twenty-five miles; and for the purpose of constructing any such railroad or tramroad, the said company may acquire lands by condemnation in the modes prescribed by law, and shall be vested with all the powers, rights, and franchises conferred by the general laws of the state upon companies incorporated for works of internal improvement. And the said company may encumber by deed of trust or mortgage, and may lease or sell any such tramroad or railroad.

2. Any such railroad or tramroad may be operated by steam, horse, or other power; and any tramroad which the said company is hereby authorized to construct may be constructed and operated along or more of the county roads of the counties aforesaid, the same to be so built or constructed, however, only by authority of the court of the county in which said county road is situated, and in respects as provided in section one thousand of the code of Virginia of eighteen hundred and eighty-seven.

3. The work of the construction of any such railroad or tramroad shall be completed within five years from the passage of this act.

4. This act shall be in force from its passage.

CHAP. 244.—An ACT to amend and re-enact section 833, code of Virginia 1880, entitled "Powers and duties of board at annual meeting."

Approved February 6, 1896.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and thirty-three of the code of Virginia be amended and re-enacted so as to read as follows:

Section eight hundred and thirty-three—Powers and duties of board at annual meeting.—The board of supervisors of each county shall have power, and it shall be their duty, at the meeting on the fourth Monday in July in each year, or within sixty days thereafter

First. To audit accounts and settle with officers; to audit the accounts of the county, to settle with the county treasurer his account for the year; to settle with the sheriff his accounts upon the collection of fines or other moneys accruing and belonging to the county to audit the accounts of the superintendent of the poor and examine and pass upon his reports, and generally to settle with any other

officer who may have an account with the county, and take such steps as may be necessary to secure a full and satisfactory exhibit and settlement of the affairs of the county.

Second. To fix and order county levies; to fix the amount of the county levies for the ensuing year; to order the levy on all persons over the age of twenty-one years, and on all property assessed with state tax within the county; to order the levy on the real and personal property of telegraph and telephone companies, and railroad companies and their telegraph lines, which pass through their respective counties, except such as are exempt from county or other local taxes, based upon the assessment per mile, made by the state for its purposes and furnished by the auditor of public accounts to said board; or the order of levy may be a certain sum on all male persons over the age of twenty-one years, and for a certain per centum upon the amount of the state tax assessed upon real and personal property; provided, however, that the capitation tax shall not exceed the sum of fifty cents.

Third. To levy school taxes; to levy a tax upon the property in the county sufficient to raise the amount recommended by the county school board in their estimates for county school purposes, or so much thereof as they may allow; and to levy a tax upon the property in each school district sufficient to raise the amount recommended by the county school board for district purposes, or so much thereof as they may allow, but the taxes so levied shall not exceed the maximum prescribed in the third subdivision of section fifteen hundred and six.

2. This act shall be in force from its passage.

CHAP. 245.—An ACT to work the public roads of Middlesex county, Virginia.

Approved February 6, 1896.

1. Be it enacted by the general assembly of Virginia, That on and after the first day of July, eighteen hundred and ninety-six, it shall be lawful for the board of supervisors of Middlesex county to have the public roads and bridges in said county worked and kept in repair; and for that purpose are authorized and empowered to levy a tax not exceeding in any one year twenty cents upon the one hundred dollars of assessed taxable values in said county, and to adopt such regulations and plans annually, as to said board may seem best for doing the work; which regulations or plans for doing the work shall be reduced to writing and submitted to the county court of Middlesex annually, at the March term, or as soon thereafter as possible, for its approval or amendment; if not approved the said court shall certify the same back to the board of supervisors with the reasons for not approving the same. When said plans or regulations are certified back to the said board, the said board shall take

such further action as they deem best, and report their action to the said court at the next term.

2. Said board of supervisors shall, as soon as their plans or regulations are approved by the court, cause the said work to be done in pursuance of the plans adopted and approved, which shall be the road-law for Middlesex county for that year, beginning on the first day of July, eighteen hundred and ninety-six.

3. All levies made and collected under this act shall be collected and accounted for by the county treasurer as other levies are, and shall be paid out on the order of the board of supervisors.

4. No member of the board of supervisors shall be directly or indirectly interested in any contract made under this act, and any participation therein shall render the contract void.

5. When the court shall order the opening of a new road, or the erection of a new bridge, the work of opening or building shall be let to contract, as now provided by law.

6. If the board of supervisors shall neglect or refuse to perform any duty required of them by this act, the judge of the county court may, upon the application of any person interested, by mandamus, compel said board to perform such duty.

7. Such provisions of the general road law of the state as do not conflict with this act, shall continue in force in the county of Middlesex.

The act of the general assembly, approved March third, eighteen hundred and ninety, entitled an act to provide for working and keeping in repair the roads in the county of Middlesex, is hereby repealed; provided that existing contracts made for working roads in said county shall not be interfered with until the terms of said contracts expire.

8. This act shall be in force from its passage.

CHAP. 246.—AN ACT to incorporate the American telautograph company.

Approved February 6, 1896.

1. Be it enacted by the general assembly of Virginia, That John W. Johnston, J. Campbell Maben, William H. Eckert, A. S. Buford and J. Taylor Ellyson, and such persons as may become associated with them as stockholders in the company hereby incorporated, and their successors, be, and they are hereby, made and constituted a body politic and corporate under the name of the American telautograph company, and as such shall have all the rights, powers and privileges, and be subject to all the duties and responsibilities conferred and imposed by the laws of this state applicable to such bodies, politic and corporate, except so far as the same may be in conflict with the provisions of this act.

2. The said company may promote, establish and maintain, the general business of a telegraph, telephone and telautograph company

within and throughout this commonwealth and the other states and territories of the United States and the District of Columbia and Alaska, by the means and use of any electrical or other devices suitable or appropriate to the same, and particularly by means of what is known as the "telautograph system," invented by Professor Elisha Gray for the electrical transmission of messages or other communications written out in ordinary script, or otherwise suitably prepared for such transmission, and the automatic reproduction of the same at the office of destination, including any extensions or improvements of the said system heretofore or hereafter devised for or added thereto, whether under patents issued, or to be issued, to the said Professor Elisha Gray, or to his assignees, or to others, or otherwise; the said "telautograph system," and any telautographic, telegraphic or telephonic devices to be used in conjunction with each other or separately, as may be found expedient, and any other methods of electrical intercommunication, and the devices appropriate thereto, to be used if and as desired.

3. The said company may build, purchase, rent, or otherwise acquire, and may maintain and operate such or any line or lines of poles and wires, with the necessary fixtures, stations, terminals, exchanges or other facilities, including underground wires or cables, and submarine wires or cables, connected therewith within this commonwealth, or elsewhere in the United States, its territories and districts, as may be suitable for the proper, full and convenient carrying on of the business of the company, or either of the telautographic, telegraphic or telephonic systems included therein; and may take, purchase or otherwise acquire and hold, and thereafter sell or otherwise dispose of, such real estate as may be found necessary for the establishment, erection or maintenance of such lines of poles or wires, with the necessary fixtures, stations, terminals, exchanges or other facilities, including underground wires or cables and submarine wires or cables connected therewith.

4. The said company may erect, maintain and operate suitable offices, works, shops or other structures within this commonwealth, or elsewhere within the United States, its territories and districts, for the convenient carrying on of the said business, and for the manufacture, sale, renting or other disposition of the machinery, instruments or devices appropriate to said telautographic, telegraphic and telephonic systems, or other systems of electric intercommunication of thought; and may carry on such manufacture, sale, renting or other disposition of the said machinery, instruments or devices to such extent as may be desired. The company hereby incorporated shall have and enjoy the rights and privileges conferred on telegraph and telephone companies by sections twelve hundred and eighty-seven, to twelve hundred and ninety, both inclusive, of the code of eighteen hundred and eighty-seven.

5. The said company may take, receive and acquire, by purchase, gift, lease, license, assignment, subscription to its capital stock, or otherwise, any inventions or letters patent of the United States for inventions, or any interest therein, or rights thereunder, appropriate to, or included in, said telautograph system, and any other inven-

tions or letters patent of the United States for telautographic, telegraphic, or telephonic systems or devices, or any interest therein, or rights thereunder, suitable to the general business of the company; and may manufacture, use and vend, or license others to manufacture, use and vend, the machinery, instruments and devices suitable to, and employed in and for any such inventions, systems or patents, in whole or in part, as fully as may be desired.

6. The said company may take, receive and enjoy any payments or royalties from any person or persons, corporation or corporations, which may purchase or lease telautograph, telegraph, telephone, or other instruments or machinery or devices from the company, or to which territorial or other leases and licenses from the company may be granted; and, when necessary or convenient, may receive such payments or royalties in shares of the capital stock of any such corporation or corporations; and the company shall have the right to hold the said shares thus paid to it, and to collect and receive any dividends accruing thereon, or to sell or pledge the said shares from time to time as may be found expedient in the conduct of its business.

7. The chief business to be transacted by the company is the transmission, by itself, its assignees and lessees, of messages; or thought and its expressions, from one point to another, by the means of electricity and electric contrivances and devices.

8. The capital stock of the company is not to be less than fifty thousand dollars or more than ten million dollars, to be divided into shares of the par value of one hundred dollars each. As soon as the minimum amount of fifty thousand dollars of said stock has been subscribed for, or issued, the board of directors of the company may commence to carry on its corporate business. The board of directors may sell, or otherwise dispose of, the capital stock of the company, or any part thereof, or issue it to subscribers, at such price and upon such terms and conditions as said board shall from time to time deem advantageous to the interests of the company; and the said board may receive in payment of or in exchange for the stock of the company, or any part thereof, and in payment of subscriptions thereto, money, land, or other property, patents, leases, licenses, options, rights, easements, labor, services in obtaining subscriptions to the capital stock of the company or otherwise, stock in other corporations, whether chartered in this state or elsewhere; and any and all concessions or privileges which the board may deem useful to the company. And the said board may issue and use full paid shares of the capital stock of the company in payment for any such money, lands, or other property, patents, leases, licenses, options, rights, easements, labor, services, stock in other corporations, concessions or privileges. The said board may from time to time receive subscriptions to the said capital stock, either with or without notice, by publication or otherwise, as they shall see fit. And the said board, as they may deem it advantageous to the interests of this company so to do, may subscribe to, purchase, or otherwise acquire the stock of any other corporation, in or out of this state, chartered for or engaged in like business with this company.

9. Whenever subscriptions to the capital stock are payable in

money at least two per centum thereof shall be paid in cash at the time of making the subscription, but whenever payable in property or any interest therein other than money, the board of directors shall require the proper deliveries of assignment or conveyance when and as they think proper; but the value of any property or interest therein other than money which may be subscribed to the capital stock shall be agreed upon between the board of directors and the subscriber at the time of making the subscription.

10. The board of directors, until otherwise provided by a by-law, shall consist of five persons, but the number may be increased by a by-law, to not exceeding fifteen. The board of directors for the first year shall consist of the following persons, namely: John W. Johnston, J. Campbell Maben, William H. Eckert, A. S. Buford and J. Taylor Ellyson, who shall hold their office for one year after the passage of this act, and until their successors have been elected and qualified. The board hereby appointed for the first year shall elect one of their number president of the company for such first year, whose term of office shall be the same as that above specified for the directors. After the first year the directors and president shall be chosen as provided by the general law of this state. Any vacancy or vacancies occurring in the said board of directors or in the office of the president by death, resignation or otherwise, shall be filled by the said board. A meeting of the board of directors may be called by the president, or by any two members of the board by a notice of the time and place of meeting being mailed to each director a sufficiently long time to enable such director to reach the meeting from his place of residence.

11. The said company shall have power to borrow money and to issue its bonds, negotiable notes, or other securities therefor, and to secure any money so borrowed by a deed of trust or mortgage on its works, property and franchises, or any part thereof.

12. The company may acquire by lease, purchase, subscription to its capital stock, or otherwise, the works, property and franchises of any other company which may own or control any invention, improvement, or patent applicable to the art of transmitting messages, or thought and its expressions, from one point to another by the means of electricity and electric contrivances and devices, or any rights or interests in any such invention, improvement or patent; and may sell, transfer and assign or lease to any such company its own works, property and franchises, or any part thereof, or may consolidate with any such company.

13. The principal office of the said company shall be in the city of Richmond, Virginia, but the location of said principal office may be changed by the stockholders of the said company to any other place within this state. And the board of directors may establish branch offices elsewhere, in or out of the state, as they shall deem it expedient so to do in the conduct of the business of the company.

14. The said company agrees, by the acceptance of this charter, to pay all taxes, dues and demands to the state of Virginia in lawful money of the United States, and not in coupons.

15. This act shall be in force from its passage.

CHAP. 247.—An ACT to provide a charter incorporating the town of Eastville, in Northampton county.

Approved February 6, 1896.

1. Be it enacted by the general assembly of Virginia, That the town of Eastville, in the county of Northampton, as the same has heretofore been or may hereafter be, and as set forth and described in this act, shall be, and the same hereby is, made a town corporate by the name of the town of Eastville, and by that name shall have and exercise the powers conferred upon towns by the forty-fourth chapter of the code of Virginia, edition of eighteen hundred and eighty-seven, and be subject to the provisions of said code and all laws now in force, or which may hereafter be enacted, in reference to the government of towns of less than five thousand inhabitants, so far as the same are not inconsistent with the provisions of this act.

2. The boundaries of said town shall be as follows: Beginning at the southwest corner of Mistress U. Nottingham's lot and running in an eastwardly direction along a ditch between the lot of Mistress U. Nottingham and the lands of Mistress S. C. Kerr to the county road; thence eastwardly across the county road and the lands of Mistress Helen Saunders until it is at right angles with the back line of A. D. Addison; thence northwardly until it reaches a point opposite Mistress Helen Saunders' garden; thence along said line in an eastward direction to a ditch separating the lands of Doctor S. C. Nottingham from the lands of Doctor K. F. Addison; thence eastwardly through the lands of Doctor K. F. Addison, E. F. Nottingham, and N. L. Holland to the property of the New York, Philadelphia and Norfolk railroad company at a point one hundred and thirty yards south of the centre of the county road; thence northwardly along the line of the said railroad company until it reaches the northeast corner of W. W. Fitchett's lot; thence westwardly along the dividing line between the lands of T. M. Scott and the said W. W. Fitchett, Mistress Margaret Read, George F. Dunton, and the Baptist parsonage lot to the lawn fence on the east of Thomas M. Scott; thence in a northwardly direction to a point one hundred yards from the county road; thence in a westwardly direction across the lands of T. M. Scott in a straight line to a point one hundred yards northward of county road on the line of the Baptist church lot; thence in a westwardly direction to the dividing line between the lands of Mistress A. E. Kerr and E. J. Spady; thence along the dividing line of the lands of the said Mistress A. E. Kerr and E. J. Spady, O. F. Mears, H. W. Roberts, and R. V. Nottingham to the land of A. W. Bradford; thence northerly along the dividing line between the lands of Mistress A. E. Kerr, A. W. Bradford, and R. S. Trower to the northeast corner of R. S. Trower's lot; thence in a westwardly direction along the line of the lands of R. S. Trower and Mistress A. E. Kerr to the county road; thence northwardly to the Episcopal church lot; thence westwardly along the dividing line

between the lands of Episcopal church lot, H. R. Nottingham, and Robinson Nottingham to a point opposite the ditch west of Eastville; thence southerly across the land of said Robinson Nottingham and following the course of said ditch to the southwest corner of Mistress U. Nottingham's lot, the point of beginning.

3. The government of said town shall be vested in a mayor and five councilmen. The first election under this charter for mayor and councilmen of said town shall be held on the fourth Thursday in May, eighteen hundred and ninety-seven, and thereafter they shall be elected annually on the fourth Thursday in May, and shall qualify and enter upon the duties of their respective offices on the first day of July following. Any person entitled to vote in the county of Northampton, and who has resided within said town for three months previous to any election, shall be entitled to vote at all elections under this act of incorporation. The mayor shall appoint two electors of said town, who, with the town clerk, shall hold said election between the hours of one, post meridian, and sunset; and they shall decide any contest with reference to the right of any person to vote, and shall count the ballots and certify to the council the names of the persons elected mayor and councilmen. In case of a tie vote the clerk shall decide, in the presence of the two electors aforesaid, by lot; said clerk shall immediately thereafter make out and deliver to the mayor and each councilman a certificate of his election. All officers of said town shall take the oath of office before the town clerk or some other officer authorized to administer oaths. Should any of the officers hereby appointed, or who may hereafter be elected or appointed, refuse or fail to accept and qualify within thirty days after such appointment or election, then it shall be the duty of the mayor, or a majority of such town council as may accept and qualify, in the absence of such mayor, to fill such vacancy by appointment. The council shall appoint the times when it shall meet.

4. The mayor and councilmen shall constitute the council of said town, a majority of whom shall constitute a quorum to do business, and all the corporate powers of said town shall be exercised by said council or under its authority, except when otherwise provided by law. The mayor shall be president of the said council, and shall have all the rights, powers and privileges such office confers under the general laws governing towns within this state, and shall be invested with all the powers of a justice of the peace within the limits of said town, and one mile beyond said limits; and all fines, penalties or imprisonment for violation of the by-laws or ordinances of said town shall be recovered before or enforced under the judgment of the mayor, and for that person he may issue process as a justice of the peace, and shall be entitled to the same fees as a justice for like service; but the mayor shall have no vote in the council except in case of a tie. Any vacancy which may occur in the office of mayor or councilman shall be filled by the council. The mayor and councilmen shall hold their respective offices for one year from the first day of July succeeding their election, and until their successors are elected and qualified.

5. The said council shall have power to elect a treasurer, a clerk, a sergeant, and any other officers they may deem necessary for the said town; to regulate their compensation, prescribe their duties, remove them from office, and require bonds with approved security for the faithful performance of their respective duties. The council shall also have the power to pass all by-laws and ordinances for the government of said town which they may deem proper not in conflict with the constitution of this state or the United States; to mark accurately the bounds of existing streets, and alter or change the same, and to lay off new streets, alleys, or sidewalks, and keep same in order, and to make other improvements, for which purposes the council of said town shall have the same powers and jurisdiction for condemning land for streets, alleys, and sidewalks as the county court has for condemning land for roads in the county; to cause to be made a survey and plat of said town, showing definitely its boundaries, its public streets, alleys, and sidewalks, and their width, with such remarks and explanations as they may deem proper; to regulate or prohibit the running at large of animals; to provide and protect shade trees; to establish a fire department with suitable and necessary conveniences; to prevent the riding or driving of horses or other animals at an improper or dangerous speed; to prevent the engaging in any sport or employment on the streets dangerous or annoying to the citizens; to restrain and punish drunkards, vagrants, street beggars, and persons coming into the town without any visible means of support; to prevent vice and immorality; to preserve peace and good order; to quell disturbances and disorderly conduct and assemblages; to suppress houses of ill-fame and gambling; to prevent and punish lewd conduct on the streets, and to expel from the town persons guilty of any offence mentioned above; to make regulations in reference to contagious diseases; to abate nuisances; to provide for order and quiet and the observance of the Sabbath within said town and one mile beyond its limits; to punish violations of the ordinances and by-laws of the council with fine and imprisonment, or either.

6. For the purposes of this incorporation, the said council may levy such taxes as they may deem proper on all property, real and personal, within the said town, not to exceed twenty cents on the one hundred dollars assessed value as per state assessment; to impose a specific license on all shows, performances and exhibitions that may be given, and all persons, firms or corporations who may engage in the sale of wines, ardent spirits, malt liquors, alcoholic bitters and mixtures thereof, either by wholesale, retail or to be drunk at the places where sold. The said councilmen shall have the power to impose a license tax on all business on which the state imposes license, or which is provided by law, and its officers shall have such power to collect said tax as the state officers have in like cases; and the said council shall have the power to impose a specific tax for the sale of merchandise or any other article that may be offered for sale by any person not living in said town, and also to levy a capitation tax, not to exceed fifty cents, on each adult male person resident of said town.

7. The mayor and councilmen may occupy for the transaction of business the former clerk's office of this county; and for the purpose of carrying into effect the police regulations of said town the said town shall be allowed the use of Northampton county jail for the safe-keeping and confinement of all persons who may be arrested or sentenced to imprisonment under the by-laws and ordinances of said town; and the sergeant of said town may convey any person arrested or sentenced to jail, and the jailer of said county shall receive such person or persons in the same manner as if such person or persons were committed by a justice of the peace and delivered to said jailer by a constable. And when any judgment shall be rendered against a prisoner for any penalty under any ordinance or by-law of said town, and the same be not immediately paid, the person or persons so in default may be required, by the order of the court passing sentence, to work out such fines or penalties on the public streets or other public improvements of said town at fifty cents per day, under the direction of the sergeant and under such rules and regulations as may be deemed proper by the council.

8. The said town and the property and persons therein shall be exempt and free from the payment of any road tax, and from working on roads outside of said town, for which exemption the said town shall keep its own streets in order and shall not be embraced in any road district of the said county of Northampton.

9. The sergeant of said town shall be a conservator of the peace and shall be vested with full powers of a constable within the limits of the said town, and also have powers to arrest offenders within one mile of said limits for offences committed within the limits of said town or against its by-laws or ordinances, and shall be entitled to the same fees as a constable for like service.

10. Rodman W. Nottingham is hereby declared and appointed mayor, Nathaniel L. Holland, Harry R. Nottingham, James A. Jarvis, Joseph S. Widgen, and Doctor Severn P. Nottingham, are hereby declared and appointed councilmen of the said town of Eastville, and may qualify as such before any justice of the peace or any other person who is authorized to administer oaths in said county, by taking the oaths of office, and thereupon shall constitute the council of said town, with all their powers, until the first day of July, eighteen hundred and ninety-seven, and until their successors are elected and qualified. The council hereby appointed shall meet and organize upon the call of the said Rodman W. Nottingham as mayor or any three of the said councilmen.

11. This act shall be in force from its passage.

CHAP. 248.—An ACT to amend and re-enact an act entitled an act to facilitate the giving of bonds required by law, approved March 5, 1894.

Approved February 6, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to facilitate the giving of bonds required by law, approved March fifth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That any company with a paid-up cash capital of not less than two hundred and fifty thousand dollars, incorporated and organized under the laws of any state of the United States or foreign country, for the purpose of transacting business as surety on obligations of persons or corporations, and which has complied with all the requirements of law regulating the admission of such companies to transact business in this state, *shall*, upon production of evidence of solvency and credit satisfactory to the court or judge or other officer authorized to approve such bond, be accepted as surety upon the bond of any person or corporation required by the laws of this state, *or by any court, judge, or other public officer, or board, or organization, to execute a bond with surety or sureties*, and if such surety company shall furnish satisfactory evidence of its ability to provide all the security required as aforesaid, no additional surety *shall* be exacted. Such surety shall be released from its liability on the same terms and conditions as are by law prescribed for the release of individuals, *and shall have all the rights, remedies and reliefs of an individual guarantor, indemnitor or surety*, it being the true intent and meaning of this act to enable corporations created for that purpose to become the surety on bonds required as *aforesaid* subject to all the rights and liabilities of private parties.

§ 2. Any court, *judge, or other officer* whose duty it is to pass upon the account of any person or corporation required to *execute a bond with surety or sureties as hereinbefore provided, shall*, whenever any such person or corporation has given any such surety company as surety upon said bond, allow in the settlement of such account a reasonable sum for the expense of securing such surety; provided, however, that this allowance shall not be made to any state, county or municipal officer.

§ 3. Any such company which shall execute any bond as surety under the provisions of this act shall be estopped, in any proceedings to enforce the liability which it shall have assumed to incur, to deny its corporate power to execute such instrument or assume such liability.

2. This act shall be in force from its passage.

CHAP. 249.—An ACT for the relief of J. C. Haynes.

Approved February 6, 1896.

Whereas James C. Haynes, treasurer of Montgomery county, has in his hands various tax-tickets for which he has accounted to the state and county: therefore,

1. Be it enacted by the general assembly of Virginia, That the said James C. Haynes, treasurer as aforesaid, and his deputies, shall have the same power to levy and distress as is now possessed by treasurers under the revenue laws until December first, eighteen hundred and ninety-six, to collect the uncollected tax-tickets now in his hands for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, eighteen hundred and ninety-four, and eighteen hundred and ninety-five, which have not been returned delinquent for which he has accounted to the proper authorities.

2. This act shall be in force from its passage.

CHAP. 250.—An ACT to amend and re-enact section 2467 of the code of Virginia, in reference to the admission of writings to record.

Approved February 6, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-four hundred and sixty-seven of the code of Virginia be amended and re-enacted so as to read as follows:

§ 2467. The two preceding sections are subject to this qualification, that any such writing which is admitted to record within ten days from the day of its being acknowledged before and certified by a justice, notary, or other person authorized to certify the same for record, shall, unless it be a mortgage or a deed of trust, not in consideration of marriage, be as valid as to creditors and subsequent purchasers as if such admission to record had been on the day of such acknowledgment and certificate.

CHAP. 251.—An ACT to amend and re-enact sections 3, 4, 5, and 6 of an act approved November 24, 1884, entitled an act to incorporate the town of Boykins, in the county of Southampton.

Approved February 6, 1896.

1. Be it enacted by the general assembly of Virginia, That sections three, four, five, and six of an act approved November twenty-fourth, eighteen hundred and eighty-four, entitled an act to incorporate the

town of Boykins, in the county of Southampton, be amended and re-enacted so as to read as follows:

§ 3. The government of said town shall be vested in a mayor and five councilmen, to be elected *every two years on the fourth Monday in November*, from the qualified electors of said town. Any person entitled to vote in the county of Southampton, and who has been a resident of the town for three months, *and whose name is properly registered on the town registration books*, shall be entitled to vote at any and all elections under this amended act of incorporation. The mayor shall appoint two members of the council, *or any two electors of said town*, who, with the town clerk, shall hold said elections between the hours of one, post meridian, and sunset. *If the town clerk be sick, absent, or refuse to act, then the other two councilmen or electors appointed by the mayor to conduct said election shall, after waiting for said clerk thirty minutes, appoint some one else to act in his stead, either a councilman or an elector of said town, and the person so appointed shall make out the certificates of election and give to the mayor and councilmen receiving the largest number of votes just as if he were the regular clerk elected by the council.* They shall decide any contest with reference to the right of any person to vote, and shall count the ballots and certify to the council the names of the persons elected mayor and councilmen. In case of a tie vote the clerk shall decide by lot, in the presence of the two councilmen or two electors holding said election as aforesaid. The said clerk shall immediately thereafter make out and deliver to the mayor and to each councilman a certificate of his election. The first election under this amended act shall be held on the *fourth Monday in November, eighteen hundred and ninety-six, and every two years thereafter.* All officers of said town shall take the oath of office before the town clerk or some other officer authorized to administer oaths. *Should any officer fail to qualify within thirty days from the beginning of his term of office his office may be declared vacant by the council, and they shall proceed to fill it. The council can, by a two-thirds vote, remove the mayor or either one of its members for wilful neglect of duty or immoral conduct.* The electoral board of Southampton county shall appoint a registrar for the said town; the person so appointed to be recommended to said electoral board by the council of said town. The said registrar shall hold registration on such days and at such places as the council may prescribe. *The mayor and councilmen whose term of office will have expired on the thirtieth day of June, eighteen hundred and ninety-six, are hereby appointed to serve as mayor and councilmen until the first day of January, eighteen hundred and ninety-seven, or until their successors are elected and qualified.*

§ 4. The mayor and councilmen shall constitute the council of said town, a majority of whom shall constitute a quorum to do business, and all the corporate powers of said town shall be exercised by said council or under its authority, except when otherwise provided by law. The mayor shall *preside over the meetings of the council when present, and in his absence the president of the council shall preside, and if both be absent some member of said council shall be designated to preside pro tempore.* The mayor shall have all the rights, powers and privileges such office confers under the general laws governing towns

within this state, and shall be invested with all powers of a justice of the peace within the corporate limits of said town and one mile beyond said limits, *in both criminal and civil cases*, and all fines, penalties and imprisonments for violations of the by-laws or ordinances of said town shall be recovered before or enforced under the judgment of the mayor, and for that purpose he may issue process as a justice of the peace, and shall be entitled to the same fees as a justice for like services; but the mayor shall have no vote in the council except in case of a tie. Any vacancy which may occur in the office of mayor or councilman shall be filled by the council. The mayor and councilmen shall hold their respective offices for *two years from the first day of January* succeeding their election, and until their successors are elected and qualified.

§ 5. The said council shall elect one of its members president, who shall be empowered to discharge the duties of mayor of said town in the absence of the mayor or his inability to act. The said council shall also have power to elect a clerk, a treasurer, a sergeant, and such other officers as they may deem necessary for the said town, to regulate their compensation, prescribe their duties, remove them from office, and require bond, with approved security, for the faithful performance of their respective duties. *The clerk and treasurer may be elected from the council or from the electors of said town. The said clerk shall annually before the first day of May go to each tax-payer and take the list of all personal property that is subject to taxation for town purposes.* The council shall also have power to pass all by-laws and ordinances for the government of the said town which they may deem proper, not in conflict with the constitution of this state or the United States; to mark accurately the bounds of existing streets and alter or change the same, and to lay off new streets, alleys, or sidewalks, and keep them in order, and to make other improvements, for which purposes the council of said town shall have the same powers and jurisdiction for condemning lands for streets, alleys, and sidewalks as the county court has for condemning lands for roads in the county; to cause to be made a survey and plat of the said town, showing distinctly its boundaries its public streets, alleys, and sidewalks, and their width, with such remarks and explanations as they may deem proper; to regulate or prohibit the running at large of animals; to provide and protect shade trees; to establish a fire department with suitable and necessary conveniences; to make regulations in reference to contagious diseases; to abate nuisances; to provide for order and quiet and the observance of the Sabbath within said town and one mile beyond its limits; to punish violations of the ordinances and by-laws of the council with fines and imprisonment, or either; to appoint every two years one elector of said town to assess the value of all real estate within the limits of said town for the purpose of taxation, who shall certify his assessment to the council by the first day of May, and in addition to the powers conferred by this act, shall have the same powers and authority as the councils of towns of less than five thousand inhabitants under the general laws of the state; and for the purposes of this incorporation the said council may levy such taxes as they may deem proper on all property."

real and personal, within the said town, not to exceed twenty cents on the one hundred dollars assessed value, a capitation tax not to exceed fifty cents per year, a tax on dogs not to exceed one dollar per year, and a license tax on every vocation, profession, or business for which a state license is required. In case of failure to pay the tax on any dog, the same shall be killed by the town sergeant under regulations to be prescribed by the council.

§ 6. The sergeant of said town shall be a conservator of the peace, and be invested with the full powers of a constable within the limits of said town *and one mile beyond said limits*, and shall be entitled to the same fees as a constable for like services; and for the purpose of carrying into effect this corporation the said town shall be allowed the use of the jail of Southampton county for confinement and safe keeping of all persons arrested or sentenced to imprisonment under the by-laws and ordinances of the council of said town; and the sergeant of said town may convey any person so arrested or sentenced to said jail, and the jailer shall receive such person in the same manner as if such person were committed by a justice of the peace and delivered to said jailer by a constable.

2. This act shall be in force from its passage.

CHAP. 252.—An ACT to authorize the board of supervisors of Fairfax county to increase the allowance of the county treasurer for his services in receiving and disbursing county and school levies, including all moneys collected by order of the county authorities for any purpose.

Approved February 6, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Fairfax county, be, and they are hereby, authorized in their discretion, to allow the treasurer of the said county, for his services in receiving and disbursing county and school levies, including all moneys collected by order of the county authorities for any purpose, five per centum on all such collections.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 253.—An ACT to amend and re-enact section 2860, code of Virginia, fixing the order in which debts of decedent are to be paid.

Approved February 7, 1896.

1. Be it enacted by the general assembly of Virginia, That section two thousand six hundred and sixty, code of Virginia, be amended and re-enacted so as to read as follows:

§ 2660. Order in which debts of decedent to be paid.—When the assets of the decedent in the hands of his personal representative, after the payment of funeral expenses and charges of administration, are not sufficient for the satisfaction of all demands against him, they shall be applied :

First.—To claims of physicians, not exceeding fifty dollars, for services rendered during the last illness of the decedent, and accounts of druggists, not exceeding the same amount, for articles furnished during the same period.

Second.—To debts due the United States and this state.

Third.—To taxes and levies assessed upon the decedent previous to his death.

Fourth.—To debts due as trustee for persons under disabilities, as receiver or commissioner under decree of court of this state, as personal representative, guardian or committee, where the qualification was in this state, in which class of debts shall be included a debt for money received by a husband acting as such fiduciary in right of his wife.

Fifth.—To all other demands, except those in the next class; and,

Sixth.—To voluntary obligations.

2. This act shall be in force from its passage.

CHAP. 254.—An ACT to incorporate the town of Saltville, and to repeal an act entitled "an act to incorporate the town of Saltville," approved March 8, 1894.

Approved February 7, 1896.

1. Be it enacted by the general assembly of Virginia, That the territory in the counties of Smyth and Washington, contained within the following described boundaries, namely: Beginning at a stake on the south side of Glade Spring road, on the line between the Buena Vista plaster company and the Saltville land company, near the Witt spring; thence with the south side of the said Glade Spring road in a southeasterly direction to the junction with the valley road; thence with the south side of the said valley road, passing the house of William Poston and the Chiddix lot, to a stake on the south side of the said valley road, between corners number twenty-nine and number thirty of the line between the Saltville land company and V. S. Morgan, near two large oaks standing on the north side of said road; thence north, crossing said road and Chestnut ridge to corner number sixty-two of the Saltville land company near a small branch; thence with the said Saltville land company's line to the corner between the said Saltville land company and the Mathieson alkali works' land, on the south bank of the north fork of Holston river, near the mouth of Cedar branch, near the iron bridge; thence crossing the said north fork of the said Holston river, and with the said Mathieson alkali works' line to the north bank of said river; thence up said north bank of said river and still with the said Mathie-

son alkali works' line to where it leaves the said north fork of Holston river; thence further with the said Mathieson alkali works' line up the side of Little mountain; and thence along the side of Little mountain with the line of the said Mathieson alkali works' land, crossing through Allison's gap and Cove creek, and still with the said Mathieson alkali works' land, to the north bank of the north fork of Holston river; thence across said river to a stake on the south bank of said river near the house of Samuel P. Scott; thence down the south bank of said river to a corner near the mouth of Scott road branch; thence with the Saltville land company's line to the mouth of McHenry's creek; thence up the said McHenry's creek to a stake on the line between the Saltville land company and the Buena Vista plaster company; thence with the said line between the Saltville land company and the Buena Vista plaster company, crossing the Saltville branch of the Norfolk and Western railroad, passing near the fresh water reservoir, crossing the county road, and still with the said line, to the beginning, shall constitute the town of Saltville, and the inhabitants within said boundaries, and their successors, shall be a body politic in fact and in name, under the style and denomination of *the town of Saltville*, and by that name shall have and exercise all the powers conferred upon towns by chapter forty-four of the code of Virginia of eighteen hundred and eighty-seven, and all laws now in force or that may hereafter be enacted for the government of towns of less than five thousand inhabitants, and not inconsistent with the provisions of this act.

2. The territory within the corporate limits of said town is hereby created and declared to be a separate and distinct road and school district, and all persons and property therein shall be exempt from all road taxes and services, from taxes for the support of the poor and from county and district taxes for free school purposes; provided the said town shall keep its streets and alleys and the public roads within its limits in good order, support its own poor and maintain its own public or free schools. And it is further provided that all lands contained within the corporate limits of said town which are used exclusively for agricultural purposes shall be exempt from all corporation tax, except for road and school purposes and supporting its poor.

3. The officers of said town shall consist of one mayor and six residents, who shall compose the council of said town; a sergeant, who shall be elected by said council, and such other officers, including policemen, as the council may deem necessary to elect or appoint.

The mayor and all other officers of said town, whether elected or appointed as herein provided, before entering upon the duties of their respective offices, shall take the oath of office required by the laws of the state, and shall give bond for the faithful discharge of their duties in such sum and upon such terms as may be required by the council. If any person so elected or appointed to any office in said town shall neglect or refuse to take such oath or to give such bond before the day on which he is to enter upon the discharge of the duties of his office he shall be considered as having declined said

office, and the same shall be declared vacant, and such vacancy shall be filled by the council of said town.

The mayor and four members of the council, or in the absence of the mayor, five members of the council shall constitute a quorum for the transaction of business.

4. The election for mayor and councilmen shall be held on the fourth Thursday in May, eighteen hundred and ninety-eight, and every two years thereafter. The officers so elected, and all other officers elected or appointed by the council, shall begin their terms on the first day of July succeeding their election, and shall hold their term of office for two years, or until their successors are elected and qualified, except that the council may prescribe the terms of all the officers elected or appointed by it. If any vacancy occur in the office of mayor or in the council the same shall be filled by the council.

5. The council of the said town shall, not less than thirty days before any election held under this charter, appoint a qualified voter of said town as registrar to register in a special registration-book, provided for the purpose, all the citizens of said town as hereinafter set forth, who shall apply to him to be registered.

On the twelfth and eleventh days preceding any regular election under the charter it shall be the duty of the registrar to sit two days, and from sunset of the eleventh day preceding each election to sunrise of the day following such election no name shall be entered upon the registration-book. It shall be the duty of such registrar to give notice of the days upon which he shall sit to register voters by posting notices at three or more public places in said town for ten days preceding such sitting, and five days previous to any election he shall post at a conspicuous place in said town a list of all voters who have been registered since the next preceding election.

The registrar so appointed shall register all male citizens of the town who shall apply to be registered, and who shall be of the age of twenty-one years at the first election to be held after the registration, and who are citizens of the United States and shall have resided in this state for twelve months and in the town of Saltville six months next preceding any election at which they may offer to vote.

No one shall be entitled to vote in any election held under this charter who has not been duly registered as herein provided.

The council shall appoint three judges of election and two clerks, fifteen days before each election held under this charter.

The judges shall hold said election in the manner prescribed by law and between the hours of sunrise and sunset. And they shall have all the powers conferred by law upon judges of election.

At the close of each election the persons conducting such election shall count the ballots and make duplicate returns of the result. One of said returns, with ballots sealed up, shall be returned to the clerk's office of the court of Smyth county under seal, which officer shall receive and safely keep the same; the other shall be returned to the council and recorded in the record book of said council. The council shall judge of the election and qualification of the person

returned, make out proper certificates of election and cause the persons duly elected to be notified of their election within ten days after the election so held. As to all other requisites in reference to the election and qualification of officers the same shall be as described by chapter forty-four, code of Virginia, eighteen hundred and eighty-seven, except that in the event of a tie in any election the council shall decide by lot.

It shall be the duty of the council at its regular meeting in the month preceding any election to provide a place for conducting such election, and to give notice of said time and place by having posted in said town three or more notices thereof for five days preceding any election.

The county court of Smyth shall have jurisdiction in cases of contested elections in said town, with the right of appeal to the circuit court. The mode of contesting such election and of hearing and determining such contest shall conform to the laws with reference to contesting the election of county officers.

6. The mayor, as chief magistrate of the town, shall be the presiding officer of the council, but shall not have a vote except in case of a tie. His salary shall be fixed by the council at its first meeting, or as soon thereafter as practicable, and the same shall not be diminished during the term of office.

He shall take care that the laws, by-laws and ordinances of the town be faithfully executed. He shall be clothed with all the powers and authority of a justice in civil matters within the corporate limits of the town, and in criminal matters within said limits and one mile beyond same, and shall have power to issue process, hear and determine all prosecutions, cases and controversies which may arise under the laws, by-laws, and ordinances of the town; impose fines and inflict punishment when and wherever they are authorized by said laws, by-laws, and ordinances, and issue executions for the collection of said fines; and when in his judgment it is necessary he may issue a *capias pro fine*, and may imprison the person found guilty until the fine is paid, so that such imprisonment shall in no case exceed ninety days, or sentence them to work in chain gangs upon the streets, roads, and public property in said town, under such restrictions and for such terms as shall be prescribed by the council; provided such term of work shall not exceed ninety days for any one offence. But in all cases appeals may be taken to the county court of Washington or Smyth, according as the case arose or the offence was committed within the said counties respectively, in the same manner upon the same terms, and be tried in the same way as appeals from the decisions of a justice are taken and tried in like cases, except that no appeal shall be granted from the decision of the mayor, or acting mayor trying same, imposing a fine for the violation of any of the laws, by-laws or ordinances of said town for offenses not made criminal by the common law or the statutes of Virginia, until and after bond be given by the person fined, with security approved by the officer imposing the same or the mayor, conditioned to pay all fines, costs, and damages that may be awarded by the said court on appeal; the penalty of said bond to be double the sum suf-

ficient to pay all such fines, costs and damages. Should the decision of the officer rendering the same be affirmed, in whole or in part, the said court shall enter judgment against said principal and surety for the amount so affirmed, with costs before the officer trying the same and the costs of the appeal, and the clerk of the said court shall issue execution thereon in the name of the town against both principal and surety; or the said clerk may make return thereof to the mayor of said town, who may take such course in reference to the carrying out of the sentence or judgment with fine and costs as would have been proper had the same been rendered in his court. And in either case when the said fine or cost have been collected, they shall be paid to the treasurer of said town, who shall immediately return to the clerk of the said court all costs attending said appeal in said court.

In the absence or inability of the mayor the council shall have authority to designate one of its members acting mayor, who shall, during said absence or inability, perform all the duties and exercise all the powers and authority of the mayor.

7. The council shall have power to pass such by-laws and ordinances for the government of said town as they may deem expedient, and to elect a sergeant and such other officers, including policemen, as they may deem necessary, and to fix the salaries of all officers of the town. The members of the council shall be, and are hereby, constituted conservators of the peace, and as such shall have all the powers of other conservators of the peace under the general laws of the state.

They shall have power to enforce all laws, by-laws and ordinances of the town by a penalty not exceeding one hundred dollars for a violation thereof, and may provide that the offender, on failing to pay the penalty recovered, shall be imprisoned in the prison-house of the town or in the jail of Smyth county, by and with the consent of the board of supervisors of said county, for a term not exceeding ninety days, and the said penalty may be prosecuted and recovered, with costs, in the name of the town of Saltville, or they may compel such offender to work on the streets or other public improvements of said town.

The council shall have power to appoint and organize a board of health for said town, and invest it with authority for the prompt and efficient performance of its duties, to pass such ordinances and regulations as may be deemed advisable to secure the inhabitants of said town from contagious, infectious or other dangerous diseases, and to prevent, by appropriate legal remedy, all measures affecting, or likely to affect, the town or inhabitants thereof, when the same may originate outside the limits of said town; to establish, erect and regulate hospitals, and to provide for and enforce the removal of patients to said hospitals.

The council shall have authority to provide for the interment of the dead, and to regulate the same; to establish a market and make ordinances for the management thereof. They shall also have power to prevent the obstruction of streets, alleys, sidewalks, roads, gutters, and so forth, the firing of guns or pistols, the setting fire to powder

and other combustible or explosive material, the running or fast driving or riding of horses and other animals within the corporation, by imposing a reasonable fine for such offences. They shall have power to prescribe rules for the orderly building of houses, and their proper location, such as stables, water-closets, hog-pens, cattle-sheds, as well as dwellings, stores, and shops.

They shall have power to regulate the erection of chimneys, stoves and stove-pipes, and to abate and remove all nuisances at the expense of those who occasion it or them.

They shall have power to prohibit all animals from running at large and beyond their owners' premises, and to pass all by-laws and ordinances not contrary to the constitution and laws of the commonwealth and of the United States which said council may deem necessary for the peace, good order, and government of the said town, and the carrying into effect of such powers and privileges as are hereby or may hereafter be vested in them.

They shall have power to amend or repeal any by-law or ordinance or remit any fine that may to them seem proper and just.

The said council shall have power, whenever they may deem it expedient, to have the sidewalks, foot-ways and gutters along any street or alley in said town, of such width as they may prescribe, properly paved and otherwise suitably improved, altered or repaired as they may think fit, one-half of the cost of which shall be paid by the owners of the said lands or lots along the front side of which such foot-ways, sidewalks, and so forth, may extend, and to levy and collect for that purpose a special tax on each of said lands or lots proportioned to the number of feet of the same, which special tax shall be collected as taxes on real and personal property are by this act directed to be collected: provided that before any owner of any land or lot in said town, shall be required to make such payment upon the terms above stated, or a tax levied upon the same for such purpose, there shall be on such land or lot a dwelling or business house that will average fifteen feet square.

The council shall have power and authority to erect a prison-house with such apartments as may be necessary for the safe-keeping and employment of all persons confined therein, and to establish a chain-gang in conformity with law; to erect in or near the town suitable work-houses, houses of correction and reformation, and houses for the reception of the poor; and to erect and keep in order such public buildings as may be necessary for the use of the town.

The council shall have power to purchase and hold lands and lots on which to erect school-houses and other necessary buildings, and may sell and convey the whole or any part thereof, provided two-thirds of the council concur therein. They shall have power and authority to appoint school trustees of the town, such trustees to be clothed with all the powers and to perform all the duties now vested in and required of district boards of school trustees; and in providing funds for the support of the schools the trustees shall be governed by the provisions of section fifteen hundred and forty of the code of Virginia of eighteen hundred and eighty-seven.

8. For purposes of taxation the council shall have authority to

provide for the assessment of all male persons of the age of twenty-one years, and all property, real or personal, within the said town, and such other subjects as may at the time be assessed with state taxes against persons residing therein. But the assessment of real estate for purposes of municipal taxation shall not exceed the assessment thereof for state taxation.

The council shall have power to levy and collect annually a poll-tax of fifty cents on each male person so assessed for free-school purposes, and a tax on all property, real and personal, and other subjects so assessed, to meet the current expenses of the town, provided such levy shall not exceed in any one year one dollar on the hundred dollars assessed value thereof. But the council may, by ordinance, exempt from municipal taxation the machinery, implements, and capital invested in the plant of any manufacturing establishment which may be hereafter erected and actually in use for manufacturing purposes within the said town, and the buildings in which said machinery is located, with its offices, and so forth, for a period not exceeding ten years from the date that said manufacturing establishment shall begin operations.

9. The council of said town is prohibited from subscribing to the stock of any company incorporated for a work of internal improvement or other purpose, as provided for by section one thousand two hundred and forty-three of the code of Virginia of eighteen hundred and eighty-seven, and from creating any indebtedness upon said town for any purpose in excess of five per centum of the assessed value of the real and personal property within said town.

10. In all cases in which the laws of the state require a license to be taken out by any person engaged in the pursuit of any business, trade, occupation or calling, or for any other purpose, the said council shall have power to require a license to be taken out in all such cases for the benefit of said town before such person shall be permitted to pursue such business, trade, occupation or calling within the corporate limits of said town. Said council may also grant or refuse license to owners or keepers of wagons, drays, carts, hacks, and other wheeled carriages kept or employed in said town for hire or as carriers for the public, and may require the owners of said wagons, drays, carts, and so forth, using them in the town to take out a license therefor and require taxes to be paid thereon, and subject the same to such regulations as they may deem proper.

The council may subject any person who, without having obtained a license therefor, shall do any act or do any employment or business in the town, for which a license may be required by ordinance, to such fine or penalty as it is authorized to impose for any violation of its laws, by-laws, or ordinances.

11. No license to sell within the corporate limits of said town ardent spirits, malt liquors, wine, beer, ale, porter, malt, or any intoxicating drinks, or intoxicating bitters, or mixtures thereof, shall be granted to any one by any court or judge or other person.

It shall not be lawful to sell or barter such ardent spirits, malt liquors, wine, beer, ale, porter, malt, or any intoxicating drinks or intoxicating bitters within the corporate limits of said town, nor

bring any such articles into said town for barter or exchange; nor shall it be lawful within said territory to solicit or receive orders or to take orders unsolicited for the sale of same or any of them; nor shall it be lawful for any person to keep the same or any of them deposited or stored in any place in said corporation for sale, barter, or exchange, directly or indirectly. And whenever any person is suspected of selling or of having in his possession for sale, or handling such ardent spirits, malt liquors, wine, beer, ale, porter, malt, or any intoxicating drinks, or any intoxicating bitters or mixtures thereof, contrary to law, within the corporation, upon complaint thereof, the mayor shall have power to issue warrants requiring search to be made in any wagon, tent, booth, house, or premises of the person so suspected, and for the arrest of the said person; and if any such articles be found therein, or in the possession of said party, they shall be seized and kept in safe custody until the final order in the case. And if the person so suspected be found guilty under this act, he shall be fined not exceeding one hundred dollars, exclusive of costs, for each offence, and may be required to give bond, with good sureties, payable to the town of Saltville, in a penalty not exceeding three hundred dollars, to keep the peace and be of good behavior for a term not exceeding twelve months.

And in case of such conviction, or in case the party so suspected escapes or avoids process of law for thirty days, all such ardent spirits, malt liquors, wine, beer, ale, porter, malt, or any intoxicating drinks, or intoxicating bitters or mixtures thereof, shall be forfeited to the corporation. If the party is acquitted the same shall be restored to him.

12. All taxes, whether general or special, assessed upon any property in said town under the provisions of this act, are hereby declared to constitute a lien on such property; and if the sergeant or other legally authorized collector has not been able, with due diligence, to collect the same by the first day of December of the year in which the same were assessed, he shall, at the first meeting thereafter, make return, upon oath, of the taxes he has failed to collect, and the property upon which such uncollected taxes were assessed, and thereupon the council shall have the same remedy against the property of said delinquents as the commonwealth has in similar cases.

13. The town treasurer or sergeant, as the council may direct, shall collect the taxes in the same manner as is now provided by law in relation to the collection of state taxes by the county treasurers, and the time for payment shall expire on the thirtieth day of November of each year; all taxes not paid by the first day of December following shall have five per centum added to the amount thereof; and the collecting officer shall collect all fines, levies, and licenses, and after thirty days from the time of receiving the assessor's books, or the said taxes or tax-tickets, may distrain and levy for said taxes, levies, and licenses, in like manner as the treasurer may for state taxes, levies, and licenses, and shall in all respects have the same power to enforce the payment and collection thereof.

14. The following named persons are hereby appointed to fill the offices of mayor and councilmen of the town of Saltville until the first day of July, eighteen hundred and ninety-eight, and until their successors are duly elected and qualified, namely: E. E. Arnold, as mayor, and C. M. Perry, Worley Musselwhite, John F. Moore, Doctor George E. Wiley, W. D. Mount, and P. C. Landrum, as councilmen. Said persons shall take the oath of office and enter upon the discharge of their duties as soon as practicable after the passage of this act.

15. The act entitled "An act to incorporate the town of Saltville, in Smyth and Washington counties," approved March eighth, eighteen hundred and ninety-four, is hereby repealed.

16. This act shall be in force from its passage.

CHAP. 255.—An ACT to repeal the charter of the Westmoreland insurance company of Colonial Beach, Virginia, which was granted by the judge of the circuit court of Westmoreland county, on the 16th day of July, 1892, under section 1145 of the code of Virginia and amendatory acts.

Approved February 7, 1896.

1. Be it enacted by the general assembly of Virginia, That the charter of the Westmoreland insurance company of Colonial Beach, Virginia, which was granted upon the application of William R. Gill, W. H. Sibley, J. D. Vernay, William H. Price and H. James Kintz, by Honorable William S. Barton, judge of the circuit court of the county of Westmoreland, on the sixteenth day of July, eighteen hundred and ninety-two, which is recorded in charter book number one, at page eight (the same being the book provided and kept for the purpose, pursuant to section eleven hundred and forty-five of the code of Virginia, in the clerk's office of the circuit court of Westmoreland), and which charter, after being certified by the clerk of said court, was, on the fourteenth day of December, eighteen hundred and ninety-two, lodged in the office of the secretary of the commonwealth, be, and the same is hereby, repealed.

2. This act shall not be construed to interfere with, obstruct or prevent suits by or against the said company, its officers, agents, directors or stockholders, which may have been, or which may be, brought on its existing contracts.

3. This act shall be in force from its passage.

CHAP. 256.—An ACT to extend the time for commencing and completing the construction of the Saltville and Mendota railroad company, and to legalize the payment made by said railroad company of the fee required by law.

Approved February 7, 1896.

1. Be it enacted by the general assembly of Virginia, That the time for commencing and completing the construction of the line of road of the Saltville and Mendota railroad company as provided for by the act of incorporation of said company, approved March eight, eighteen hundred and ninety-four, be extended so that the said company shall commence the construction of its road within two years and complete the same within five years from the passage of this act.

2. That the payment of the fee on said charter made to the state treasurer on the—day of eighteen hundred and ninety-four and accepted by him, be, and the same is hereby, legalized, and is declared to be of the same effect as if made within the time prescribed by law.

3. This act shall be in force from its passage.

CHAP. 257.—An ACT to enable the city of Winchester to accept the bequest of John Handley, deceased, to validate the same, and provide for the administration thereof.

Approved February 7, 1896.

1. Be it enacted by the general assembly of Virginia, That the bequests made by the will of the late John Handley for the erection, equipment, and maintenance of a public library in the city of Winchester, and the other provisions of the said will for the benefit of the said city and the inhabitants thereof, be, and the same are hereby, declared lawful and valid; and it shall be lawful for the said city to accept the same and provide for the administration thereof in accordance with the said will.

2. As soon as possible after the passage of this act the common council of Winchester shall elect a board of trustees, consisting of nine citizens over the age of twenty-one years, who shall be residents of Winchester, and three of whom shall be elected for a term of six years, and three for a term of nine years, and three for a term of twelve years, but no one shall hold the office of councilman and that of trustee at one and the same time.

Upon the expiration of the term of office of each of said trustees his successor shall be chosen in like manner for a term of twelve years. Any vacancies in said board through death, resignation, removal from the city, or otherwise, shall be filled by the common council for the unexpired term. The duties of this board shall be to carry out the objects of the benefactions of the will of the late John Handley, so far as they relate to the city of Winchester, and superintend and direct the custody and investment of the fund arising

under the said will for these purposes, but no plan for the ultimate application of the said fund, in whole or in part, for the purposes of said will shall be valid until the same has been reported to and approved by the common council of the city of Winchester, as hereinafter provided.

The said trustees shall serve without compensation, and no member of the board of trustees shall receive any compensation for any services rendered or labor performed for the board, nor shall he be interested, directly or indirectly, in any contract said board shall make.

The said trustees shall annually, and at such other times as the council may require, or the trustees may see proper to do so, report to the common council of the said city their proceedings for its information; and the said annual report, and such other reports as the council may direct, shall be published at least once a week for two successive weeks in at least one newspaper published in Winchester; and they shall, as soon as it becomes necessary, appoint a treasurer to handle the funds of the said board, who shall not be a member of the board, who shall hold his office at the pleasure of the board, and who shall give bond with surety, corporate or personal, as the board may determine, payable to the city of Winchester, in such penalty as the said board may fix; and from time to time, when so required by the said board, he shall renew his said bond or add to its penalty. His compensation shall be such as the board, from time to time, may fix, and his duties shall be, upon the order of the board, to receive and keep and disburse said funds, keeping the same on deposit in the banks of Winchester, in equal amounts, unless said board, on some emergency arising, may order otherwise, subject to his check as treasurer, countersigned by the president of the said board; and also to have charge of all securities, investments, and other choses in action belonging to said trust; and he shall discharge such other duties as may, from time to time, be required of him by said board. He shall in all respects be under the control and subject to the orders of said board; and he shall annually settle his accounts as do other fiduciaries in the corporation court of said city.

3. Payments on account of said bequests to the treasurer, by order of the board, shall be a full and complete acquittance and discharge to any fiduciary or other person; and no personal responsibility for the ultimate application of the funds for the purposes of the bequests which shall have been approved by the common council, as hereinafter provided, shall rest upon the said board of trustees or upon any member thereof.

4. When any plan for the ultimate disposition of any such fund, as hereinbefore provided, shall have been reported to the common council of said city by the board of trustees, and approved by it, the same shall not be questioned in any court of law or chancery of this commonwealth, unless upon suit brought in the corporation court of the city of Winchester or the circuit court of Frederick county within six months after the date of such order of approval by the said common council; provided that such plan shall have been reported by the board of trustees to the said common council, and the

fact that a plan for that purpose has been so reported shall have been published at least once a week for two consecutive weeks in at least one newspaper published in said city; and the said plan shall not be adopted until the meeting next after the one to which it is reported, or some meeting later than that, nor until such publication shall have been completed; and provided, further, that the plan when and as so approved by the said common council shall have been published in like manner, beginning within thirty days from said approval.

5. All books, papers, securities, investments and choses in action of said board and of the treasurer aforesaid shall at all times be open to the inspection of the city council, or of any committee or agent appointed by the same for that purpose.

6. Any person elected as one of the board of trustees aforesaid shall file his acceptance with the clerk of the common council of the said city, who shall record the same, and he shall not become a trustee under said election until such acceptance be filed, but his term shall begin with the date of his election.

7. This act shall be in force from its passage.

CHAP. 258.—An ACT for the relief of Thomas C. Miller, treasurer of the town of Wytheville.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That Thomas C. Miller, treasurer of the town of Wytheville, be allowed the further time of one year within which to distrain and levy for and collect any uncollected tax-tickets, still in his hands, not returned delinquent, for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, and eighteen hundred and ninety-four, for which he has accounted.

2. This act shall be in force from its passage.

CHAP. 259.—An ACT for the relief of E. F. Daniel, treasurer of Charlotte county, Virginia.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That E. F. Daniel, treasurer of Charlotte county, be allowed the further time of one year within which to distrain and levy for and collect any and all uncollected tax-tickets still in his hands, not returned delinquent, for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, eigh-

teen hundred and ninety-four, and eighteen hundred and ninety-five, for which he has accounted to the auditor.

2. This act shall be in force from its passage.

CHAP. 280.—An ACT to permit the governor to furnish small arms to Suffolk military academy.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That the governor be, and he is hereby, empowered to furnish the Suffolk military academy with small arms for the use of the cadets of the said academy, if the same can be conveniently spared from any arms in the possession of the state, formerly used by the Virginia military institute, or otherwise, taking from the principal of said academy bond, with approved security, for the return of the same when demanded.

2. This act shall be in force from its passage.

CHAP. 281.—An ACT to amend and re-enact the second section of an act entitled an act to incorporate the John L. Roper lumber company, approved February 26, 1884.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That the second section of an act entitled an act to incorporate the John L. Roper lumber company, approved February the twenty-sixth, eighteen hundred and eighty-four, be amended and re-enacted so as to read as follows:

§ 2. The capital stock of said company shall not be less than one hundred thousand dollars, divided into shares of one hundred dollars each, and the said capital stock may be increased to one million dollars by the stockholders at any meeting called for that purpose; and the said company is hereby authorized to subscribe to and hold stock in any other incorporated company.

2. This act shall be in force from its passage.

CHAP. 262.—An ACT to authorize the trustees of the parsonage of the Methodist Episcopal church south, at Clintwood, Dickenson county, Virginia, to sell and convey the same, and invest the proceeds arising therefrom in other parsonage property.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That H. G. Wampler, H. K. Hillman, J. M. Neel, J. H. Long, J. K. Damron and I. E. French, of Dickenson county, Virginia, and A. G. Robinson, of Wise county, Virginia, trustees of the parsonage of the Methodist Episcopal church south, at Clintwood, Dickenson county, Virginia, are authorized to sell and convey the house and lot in said town, which was conveyed to the said trustees by E. A. Dunbar by deed, and invest the proceeds arising therefrom in other parsonage property in a more suitable and convenient place in said town.

2. This act shall be in force from its passage.

CHAP. 263.—An ACT to amend and re-enact section 3828 of the code of Virginia, in relation to the sale of intoxicating liquors to minors or certain students.

Approved February 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-eight hundred and twenty-eight of the code of Virginia be amended and re-enacted so as to read as follows :

§ 3828. Merchants, or keepers of inns, ordinaries, bar-rooms, or distilleries, or other persons dealing in intoxicating liquors, or their employees selling, giving, or furnishing intoxicating liquors, and so forth, to minors or certain students, how punished.—If any merchant or tradesman, or the keeper of an inn, ordinary, bar-room, saloon, distillery, or any other person dealing in intoxicating liquors, sell, barter, give, or furnish, or cause to be sold, bartered, given, or furnished, or if any person in his employment sell, barter, give, or furnish any spirituous or intoxicating or malt liquors of any kind to a minor or to any student of the Hampton normal and agricultural institute or other institution of learning in the state, including the public schools, he shall be fined not less than twenty-five dollars nor more than three hundred dollars, and, in the discretion of the court, to be confined in the county jail not exceeding six months, and the court shall require him to enter into a recognizance, with surety, in a penalty not less than five hundred dollars, to be of good behavior for one year. Any subsequent violation of this section shall be deemed a forfeiture of the recognizance.

2. This act shall be in force from May first, eighteen hundred and ninety-six.

CHAP. 264.—An ACT for the protection of game in the counties of Richmond, Lancaster, and Northumberland.

Approved February 5, 1896.

Be it enacted by the general assembly of Virginia, That chapter two hundred and seventy-six, acts eighteen hundred and eighty-nine and ninety, approved February eighteenth, eighteen hundred and ninety, entitled an act for the protection of game in the counties of Richmond and Lancaster, be amended and re-enacted so as to read as follows:

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to kill any deer, or chase any deer with dogs with intent to kill the same, in the counties of Richmond, Lancaster, or Northumberland between the first day of February and the first day of October of each year.

2. Any person violating this act shall be punished as provided in section two thousand and eighty of the code of Virginia of eighteen hundred and eighty-seven.

3. All acts inconsistent with this act are hereby repealed.

4. This act shall be in force from its passage.

CHAP. 265.—An ACT to permit Doctor W. M. Chatham to practice dentistry in Virginia.

Approved February 7, 1896.

Whereas Doctor W. M. Chatham, of Mathews county, practiced dentistry in Virginia for many years previous to first day of January, eighteen hundred and ninety, but on the first January, eighteen hundred and ninety, was not practicing dentistry, but now wishes to resume the practice of dentistry; now, therefore,

1. Be it enacted by the general assembly of Virginia, That Doctor W. M. Chatham is authorized to practice dentistry in Virginia, subject to section seventeen hundred and seventy-four of the code of Virginia.

2. This act shall be in force from its passage.

CHAP. 266.—An ACT to confirm and ratify the action of the councils of the city of Norfolk in closing up and relinquishing title to a part of the so-called Duke-street canal.

Approved February 7, 1896.

Whereas the councils of the city of Norfolk did—the select council, January eighth, eighteen hundred and ninety-five, and the com-

mon council, February fifth, eighteen hundred and ninety-five—by an aye and nay vote, pass a resolution closing up and relinquishing all right, claim, or title, which the city might possess, in a certain so-called canal, commonly known as the Duke-street canal, between Yarmouth street extended and Freemason street, which is a point about two hundred feet south of the said Freemason street: therefore,

1. Be it enacted by the general assembly of Virginia, That the action of the said councils of the city of Norfolk is hereby ratified and confirmed, and the property-owners along the said so-called canal are hereby empowered to fill-in, drain, and otherwise improve the lands lying between the said points.

2. This act shall be in force from its passage.

CHAP. 267.—An ACT to amend and re-enact section 8 of an act entitled an act to incorporate the Ohio river and Charleston railroad company as the successor of the Charleston, Cincinnati and Chicago railroad company, approved February 12, 1894.

Approved February 8, 1896.

1. Be it enacted by the general assembly of Virginia, That section eight of an act entitled an act to incorporate the Ohio river and Charleston railroad company as the successor of the Charleston, Cincinnati and Chicago railroad company, approved February twelfth, eighteen hundred and ninety-four, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 8. The Ohio river and Charleston railroad company shall begin the further construction of its said railroad on or before the first day of November next, and complete the same within four years from the passage of this (amended) act, provided the same shall, on or before the first day of December, eighteen hundred and ninety-seven, be completed from the Tennessee state line to Gate City, Virginia; and provided, further, that for the formation of a continuous line of railroad as hereinbefore provided for, the said company is authorized, by and with the consent of the South Atlantic and Ohio railroad company, or its successors, to use a portion of the track of said company for a distance not exceeding fifteen miles, upon such terms and conditions as may be agreed upon between the two companies. And the said South Atlantic and Ohio railroad company may use for traffic purposes a portion of the track of the Ohio river and Charleston railroad company, by and with the consent of the latter company, upon such arrangement as to the joint use of the said latter company's track as may be agreed on between the two companies; and provided, further, that if the said Ohio river and Charleston railroad company shall, within the four years aforesaid, complete its road from the Tennessee state line to Saint Paul, in Wise county, or to some point between Saint Paul and the Kentucky line, then the same shall be deemed a sufficient compliance with the pro-

visions of this act and of the charter of the company without its fully completing its road to the Kentucky line, but this proviso shall not be held to extend the time for the construction of the main line of the said road, or any part thereof, beyond the period of four years as aforesaid.

2. This act shall be in force from its passage.

CHAP. 268.—An ACT to incorporate the United land and investment company.

In force February 10, 1896.

1. Be it enacted by the general assembly of Virginia, That W. H. Bolling, William B. Campbell, J. P. Andre Motter, John H. Dingee and Joseph I. Doran, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the United land and investment company, and by that name shall be known in law, and shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may make and have a common seal, and alter and renew the same at pleasure, and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the purpose of this act, and may make by-laws, rules and regulations consistent with the existing laws of the state for the government of all under its authority, the management of its estates and properties, and the due and orderly conduct of its affairs.

2. The capital stock of the said corporation shall not be less than one hundred thousand dollars, and may, with the consent of a majority of its stockholders, be increased, from time to time, to an amount not exceeding two million dollars, requisite for its operations by the issue or sale of shares, the par value of which shall not be less than fifty dollars, from time to time, upon such terms and conditions, under such regulations, and such part of its capital stock may be preferred, and such parts common, as the board of directors of said corporation shall prescribe, and the directors may receive land, materials, services or other valuable thing in payment or exchange for such issues or sales of the capital stock; and the stock of the corporation so issued shall for all purposes be treated as paid for at par in money, without any liability whatever thereon or upon the holders thereof, to pay any calls or assessments on account thereof, except as may be agreed.

3. The said corporation is authorized and empowered to manufacture and deal in iron, steel and other metals and articles composed wholly or partly of the same; to mine and deal in iron ores, coal and other minerals; to make and deal in coke, and to erect and operate works, buildings, machinery, fixtures and appliances for these purposes; to make, advance or loans of money on any kind of property or security; to purchase, hold and convey the obligations

mortgages and securities, negotiable or otherwise, of corporations, associations and individuals; to purchase, hold and convey lands (not exceeding, however, ten thousand acres in fee simple in any one county), and interest in lands in this state or elsewhere; to construct, lease and sell dwellings, stores and other buildings, and otherwise use, operate, develop and improve lands and interest in lands, and to purchase, hold and dispose of property of any kind suited to the business of the said corporation; and to locate, operate and construct such railroad or railroads as may be necessary or useful in the successful development and enjoyment of its properties. The board of directors may determine the gauge of all roads to be constructed, and may use steam, electricity, or other agencies as a motive power; the said corporation may acquire by donation or purchase lands necessary for the right of way, depots, stations, and other purposes; and may connect its road or roads with any other railroad in this state; may carry passengers and freight, and charge and receive tolls therefor.

4. The persons first named in this act shall constitute the first board of directors of the said corporation, shall organize said corporation, and shall continue in office until the first meeting of the stockholders thereof. At such first meeting, and at every annual meeting, so many directors shall be elected as may be prescribed by the by-laws and regulations of said corporation; who may be removed by the stockholders in general meeting; but unless so removed, shall continue in office until their successors shall be elected and qualified. Each stockholder in the corporation shall, at all meetings or elections thereafter, be entitled to one vote for each share of stock registered in his name.

5. The board of directors shall appoint one of their number president, and may fill any vacancy that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever the board of directors shall have elected a president, and the minimum amount of capital stock herein named shall have been subscribed for, issued or sold, said corporation shall be considered legally organized, and may proceed to the transaction of business. The board shall appoint, to hold during its pleasure, the subordinate officers and agents of the said corporation, prescribe their compensations, and take from them such bonds, with security, as they may deem fit. Stockholders, not exceeding three in number, elected or appointed in such manner and for such term as the by-laws may prescribe, and to receive such compensation for their services as may be agreed upon, may act with the officers and directors as an advisory committee or managers, and may, as such committee or managers, be made ex-officio members of the board of directors.

6. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal office of the corporation shall be located at Wytheville, Virginia.

7. The annual meeting of the stockholders of the said corporation shall be held at such time and place in the state of Virginia as the by-laws of the corporation or the stockholders may, by resolution

adopted at any annual meeting, to take effect at the next annual meeting, prescribe. A general meeting of the stockholders of said corporation may be held at any time as provided for by the eleven hundred and fourteenth section of chapter fifty-seven of the code of Virginia, edition of eighteen hundred and eighty-seven.

8. The said corporation shall issue certificates of stock in said corporation in shares of not less than fifty dollars each, signed by the president and countersigned by the secretary of said corporation. The said certificates shall be transferable only upon the books of the corporation by the said subscribers, their personal representatives or duly authorized agent or attorney; and the said certificates, when so transferred as aforesaid, may be returned to the said corporation and cancelled, and new certificates of stock shall be issued in lieu thereof to the persons entitled thereto for a like number of shares. The fully paid preferred shares of the corporation at par may, under such rules as may from time to time be prescribed and amended by the board of directors, and be approved at any meeting or meetings of the stockholders, be accepted by the corporation in payment for property, in which event the shares so received shall be retired and cancelled.

9. It shall be lawful for said corporation to borrow money, issue and sell its bonds or other obligations, from time to time, for such sum, and on such terms, and at at such prices as the board of directors may deem expedient and proper in the prosecution of its business, and may secure the payment of the same by pledge or by mortgage or deeds of trust upon all or any portion of its property or franchises, including its franchises to be a corporation; and it shall be lawful for said corporation to subscribe for or acquire, by purchase, exchange, or otherwise, the shares and bonds of any corporation or association of this state or elsewhere, and for any corporation or association of this state or elsewhere to acquire, guarantee, or hold the shares and bonds of the said corporation.

10. No stockholder in said corporation shall be held liable or made responsible for its debts and liabilities for a larger or further sum than the amount of any unpaid balance due to the said corporation upon his stock.

11. All taxes and debts due, or to become due the state of Virginia by the corporation, shall be paid in lawful money of the United States, and not in coupons.

12. This act shall be in force from its passage, but the general assembly of the state of Virginia reserves the right to modify, alter, or repeal this act at any time hereafter.

CHAP. 289.—An ACT to amend and re-enact section 2954 of the code of Virginia, in regard to proceedings before a justice for release to claimant of property taken under distress warrant, or levied on under execution on judgment of a justice, and when and how appeal allowed.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-nine hundred and fifty-four of the code of Virginia, in regard to proceedings before a justice for release to claimant of property taken under distress warrant, or levied on under execution on judgment of a justice, and when and how appeal allowed, be amended and re-enacted so as to read as follows:

§ 2954. Proceedings before a justice for release to claimant of property taken under distress warrant, or levied on under execution on judgment of a justice; when and how appeal allowed.—When an execution on a judgment of a justice or warrant of distress is levied upon property which is claimed by any person other than the party against whom it issued, and affidavit is made either by the claimant, the officer having such process, or the party issuing the same, that, to the best of said affiant's belief, the said property is not of greater value than twenty dollars, the party making said affidavit may apply to a justice of the county or corporation in which the levy is for a warrant to constable requiring him to summon both the creditor and debtor to show cause why such property should not be discharged from the levy, a copy of which warrant shall be served upon the claimant of said property, unless said warrant is sued out at his instance. The justice shall issue such warrant, returnable in not less than five days, and if an earlier day shall have been fixed for the sale of the property, he shall make an order on the warrant, requiring the postponement of the sale until after the return day. Upon hearing the parties, or such of them as may attend after being summoned, and such witnesses as may be introduced by either party, he shall order the officer to deliver the property to the claimant, if he be of opinion that the same belongs to said claimant; but if he be of opinion that the property belongs to the person against whom the execution or warrant of distress issued, he shall order the officer who levied on the same to sell said property to satisfy said execution or warrant of distress, and may give such judgment for costs as he may deem just. If the property be of the value of ten dollars or more, the justice shall, within five days, allow an appeal (if applied for) from such order and judgment, on security being given as in the appeals before mentioned in this chapter.

2. This act shall be in force from its passage.

CHAP. 270.—An ACT to amend and re-enact section 2275 of the code of Virginia, in relation to "how dower may be assigned."

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-two hundred and seventy-five of the code of Virginia, in relation to how dower may be assigned, be amended and re-enacted so as to read as follows:

§ 2275. How dower may be assigned.—Dower may be assigned as at common law; or, upon the motion of the heirs, devisees or alienees, or any of them, the court in which the will of the husband is admitted to record, or administration of his estate is granted, or the conveyance of the alienee is recorded, may appoint commissioners, by whom the dower may be assigned, and the assignment, when confirmed by the court, shall have the same effect as if made by the heir at common law; but nothing herein contained shall be construed to take away or affect the jurisdiction which courts of chancery now exercise on the subject of dower.

2. This act shall be in force from its passage.

CHAP. 271.—An ACT to incorporate the True friend's aid society.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That R. D. Mason, William D. Richardson, William Betts, James Adams, P. R. Mason, John Wade, M. F. Mitchell, Nicholas Powell, C. H. Lewis, John Seath, William Wade, and such others as they may associate with them, be, and they are hereby, constituted a body politic and corporate by the name and style of the True friends aid society, and by that name may sue and be sued, plead and be impleaded, have a perpetual succession and a common seal, and in all respects shall be invested with the rights and privileges conferred, and subject to the restrictions and regulations prescribed for corporations by the laws of this state, so far as the same are applicable to this corporation and not inconsistent with this act.

2. The said corporation may take by purchase, gift, devise, or bequest, and hold real and personal estate, and may lease, rent, sell, mortgage, pledge, or otherwise dispose of the same in such manner as may be advantageous; provided it shall not hold real estate exceeding twenty thousand dollars in value.

3. The objects of the association incorporated by this act shall be the mutual benefit, protection and assistance of its members, the care of its members while sick or infirm, the care of their widows and orphans, and to provide for the burial of its members when dead.

4. The said association shall have power to make and adopt a constitution and by-laws, rules and regulations for the admission and expulsion of members, and for their government, for the election of officers and the defining of their duties, for the safe-keeping and protection of its property and funds, and for the establishment of subordinate societies in different localities of this commonwealth; provided the same be not inconsistent with the laws of this state and of the United States.

5. The chief place of business of said association shall be at Mount Carmel, Halifax county, Virginia.

• 6. This act shall be in force from its passage.

CHAP. 272.—An ACT to authorize J. E. Blakemore, J. C. Towles, and V. E. Towles, or any one of them, to erect a pier head in the Rappahannock river, near Towles' point.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That J. E. Blakemore, J. C. Towles, and V. E. Towles, or any one of them, be, and are hereby, authorized to erect a pier head in the Rappahannock river, near Towles' point; provided the same will not interfere with navigation in such river.

2. This act shall be in force from its passage.

CHAP. 273.—An ACT for the relief of Fannie Grymes.

Approved February 11, 1896.

Whereas it appears by an order of the county court of King George county, entered on the fourth day of December, eighteen hundred and ninety, that the assessment on certain property of Fanny Grymes, of King George county, was reduced from fifteen hundred and twenty dollars to twelve hundred dollars; and whereas by a certificate of the treasurer of such county it appears that said Fanny Grymes paid said taxes and county levies on such property assessed at fifteen hundred and twenty dollars for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, eighteen hundred and ninety-four; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts shall issue his warrant on the public treasury, in favor of said Fanny Grymes, for the amount she has so paid on the difference between the assessment of fifteen hundred and twenty dollars and twelve hundred dollars.

2. The board of supervisors of said county shall also issue their warrant on the treasurer of said county, in favor of said Fanny

Grymes, for the amount she has so paid as county levies on the difference between the amount of fifteen hundred and twenty dollars and twelve hundred dollars.

3. The treasurer of said county shall, for taxes due for eighteen hundred and ninety-five, collect state taxes and county levies of said Fanny Grymes, based on the amount to which the property was reduced by the said court.

4. This act shall be in force from its passage.

CHAP. 274.—An ACT to amend and re-enact sections 2 and 10 of an act entitled "an act to protect sheep and other stock in the counties of Accomac and Northampton," approved February 7, 1894.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That sections two and ten of an act entitled an "act to protect sheep and other stock in the counties of Accomac and Northampton," approved February seventh, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 2. That every case where the owner of a dog fails to pay the license tax provided for in the third section of this act, it shall be the duty of the constable of the district, in which said delinquent resides, to kill said dog, for which he shall receive a fee of fifty cents out of the fund hereinafter provided; and to that end the said constable shall obtain from the county treasurer a list of all delinquents under this act in his district, and shall, within thirty days after receiving such list, discharge his duty in this behalf, and on failure so to do, when practicable, he shall pay a fine of fifty cents for each dog he so fails to kill: provided it shall be lawful, when the owner of said dog has been declared delinquent under this act, for the constable to exempt said dog from such killing on payment by said owner to the constable the amount of seventy-five cents, if it be a male dog, and one dollar and fifty cents, if it be a female dog: one-third of which amount, in either case, shall be to the constable and the remainder of the dog-tax fund, to be so accounted for by said constable.

§ 10. The provisions of this act shall not apply to the towns of Onancock and Belle Haven, in Accomac, and the town of Cape Charles, in Northampton, nor to any other town in Accomac and Northampton which may hereafter adopt an ordinance for taxing all dogs within its corporate limits.

2. This act shall be in force from its passage.

CHAP. 275.—An ACT to authorize the county school board of Nelson county to apportion the district school tax levied upon railroad and telegraph companies.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That, in the county of Nelson, it shall be lawful for and the duty of the county superintendent of schools for the said county, in preparing the scheme for apportioning school funds among the school districts of said county, as he is required to do by the second subdivision of section fourteen hundred and thirty-nine of the code of Virginia, eighteen hundred and eighty-seven, to aggregate the whole amount of tax levied on the railroad and telegraph companies in the several school districts for school district purposes, and then apportion the whole amount of such tax among the three several school districts of said county upon the basis of the school population in each, whenever he shall be required to do so by a resolution of the county school board concurred in by a majority of the whole of said board.

2. This act shall be in force from the date of its passage.

CHAP. 276.—An ACT to authorize the collector of city taxes and levies for the city of Fredericksburg to furnish a list of real estate, delinquent for the non-payment of such taxes to the city treasurer for sale for such taxes, and to authorize such collector to otherwise enforce the collection of city taxes and levies in the same manner as the collection of state taxes is enforced by the treasurer of said city.

Approved February 11, 1896.

Whereas the council of the city of Fredericksburg was authorized by an act of the general assembly of Virginia entitled "An act to authorize the collection of corporation taxes on real estate in the town of Fredericksburg," passed January thirtieth, eighteen hundred and fifty-eight, to require the sale of all real estate within the said corporation returned delinquent for the non-payment of taxes and interest thereon, which shall not have been paid before the day of sale, and said council was thereby authorized to make such regulations for effecting such sale and collecting such taxes, interest, and charges of sale as to them may seem expedient; and said act declared further that if no such sale be authorized or required by said council, the taxes assessed upon such real estate for the benefit of said city shall remain a lien thereon, bearing interest at the rate of ten per centum per annum from and after the expiration of thirty days from the time when the same shall have been collectible, until the same be fully paid; and

Whereas a considerable amount of real estate within the corporation of Fredericksburg has been delinquent for the non-payment of city taxes ever since eighteen hundred and seventy-six, and no sale

has been authorized or required by the council of said city since the war; and the said taxes assessed upon said real estate for the benefit of said city still constituting a lien upon said real estate, under and by virtue of the before-mentioned act of January thirtieth, eighteen hundred and fifty-eight:

1. Be it enacted by the general assembly of Virginia, That the city collector of Fredericksburg, after ascertaining which of the city taxes and levies assessed on real estate in his city cannot be collected, shall, as soon as practicable in each year after the fifteenth day of June, make out a list of all real estate which is delinquent for the non-payment of the city taxes and levies thereon, and in the first list made out under this act such city collector shall embrace and include all real estate in the city upon which there are any unpaid taxes or levies since January first, eighteen hundred and seventy-six.

2. That such city collector in making out the list, mentioned in the preceding section, shall conform to the requirements of section six hundred and six of the code of eighteen hundred and eighty-seven, and shall make and subscribe the oath which the treasurer is required to subscribe under that section.

3. That such city collector shall deliver such list to the treasurer of said city so soon as the same is made out and verified as required by the preceding sections of this act, who shall receipt to said collector for such list.

4. That so soon as said list is received by the city treasurer all the provisions of law applicable to the "second" list required by section six hundred and five of the code to be made out by the said treasurer of said city shall apply to said list, except section six hundred and nine of the code.

5. That said list shall be embraced in the list, a copy of which is required by section six hundred and thirty-seven of the code to be delivered by the clerk of the corporation court to the treasurer of said city, for sale for the non-payment of taxes and levies thereon.

6. That for the enforcement of the collection of the city taxes and levies of said city, otherwise than by sale of real estate, the city collector is clothed with all the powers which pertain to the city treasurer for the collection of state taxes.

7. This act shall be in force from its passage.

CHAP. 277.—AN ACT to permit any railroad or transportation company, which is authorized to acquire, unite with, use or lease any line of any other railroad or transportation company, or with which it shall have lawfully established connection, to acquire and hold real estate upon and near any such line, or at or near any terminus.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That any railroad or transportation company which is authorized to acquire,

unite with, use or lease any line of any other railroad or transportation company, or with which it shall lawfully have established connection, shall have the authority to acquire and hold by gift, purchase, or in the manner provided for in chapter forty-sixth of the code of Virginia, at any point or points upon or near any such line so acquired, united with, used, leased or connected with, or at or within five miles of any terminus thereof, so much real estate for its depots, shops, yards and other purposes as may be necessary and proper for the conduct of the business of said company, not exceeding any limitation previously prescribed by the commissioner of railroads, to whom notice shall be given of any proceeding to acquire any such lands.

2. This act shall be in force from its passage.

CHAP. 278.—An ACT to incorporate “the Sabine development company.”

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That R. T. W. Duke, junior, J. Stuart Hancel, George E. Walker, John B. Moon and D. W. Burnley, and their associates and successors, be, and they are hereby, constituted and made a body politic and corporate by the name and style of the Sabine development company, and by that name and style shall be known in law, and shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts, whether in law or in equity; and may make and have a common seal, and alter and renew the same at pleasure; and shall have, enjoy and exercise all the rights, powers and privileges pertaining to this act, and may make by-laws, rules and regulations consistent with the existing laws of the state for the government of all under its authority, the management of its estates and properties, and the due and orderly conduct of its affairs.

2. The capital stock of said company shall not be less than five thousand dollars, and shall be divided into shares of one hundred dollars each; and the amount of the said capital stock may be increased, from time to time, by the board of directors. Subscriptions to the said capital stock in said company may be paid for in money or in property of any kind, real or personal, at such price as the board of directors may think best, or in the stock of other corporations at such prices as the board of directors may deem best; provided that the maximum amount of the capital stock of said company shall at no time exceed ten millions of dollars.

3. The first meeting of the corporators hereinbefore named shall be held in the city of Charlottesville, Virginia, as soon as a majority of the corporators may convene; and upon the minimum amount of the capital stock being taken or subscribed for, then such meeting, if attended by a majority of said corporators, shall constitute the first general annual meeting of the stockholders; and the

general meeting of such stockholders shall be held annually thereafter in said city, or at such other time and place, within or without the state, as may be appointed by the by-laws of said company.

And the principal office of said company shall also be in said city, and branch offices may be located at such other place or places within or without this state, as the by-laws of the company may provide.

4. No stockholder shall be held liable on account of his stock further than for any due and unpaid subscription he may owe thereon, according to the terms of the issue or sale.

5. The board of directors shall consist of five members, who shall from their number choose a president and may appoint such officers or agents as they may deem necessary or proper and fix the compensation of the same, but the stockholders may in general meeting increase the number of such directors.

6. The said company is authorized and empowered to purchase, lease, sell and donate real estate, provided that said company shall not own over two thousand acres of land in the state of Virginia; to lay the same off into lots, blocks or otherwise, and to improve the same; to dedicate to public use and benefit streets, alleys and squares; to contract for the construction of houses, elevators and other buildings, wharves and docks, upon any of its real estate; to buy, sell, lease, operate and maintain the same; to reclaim and improve submerged lands owned by it; to open, develop and operate quarries, mines or shell deposits upon its property; to bore wells for oil or gas upon its property; to mortgage or encumber by deed of trust or otherwise its property and franchises; to own the stocks, bonds and other securities or evidences of debt of any person or persons, firm or firms, corporation or corporations, and to pay for same or receive in payment for same, money, property or full-paid stocks of this company at such price or prices and upon such terms as may be agreed upon between vendor and vendee, and generally to carry on business as if it were a natural person; and said company is authorized to build, maintain and operate tramways, wagon-roads or other ways, and to connect by railroads the different works or properties which it may own or acquire with each other, and also with the lines of other railroads now, or to be hereafter, constructed; provided that no such road shall be over twenty-five miles in length, and shall be commenced within five years from the passage of this act, and completed in ten years after commencement; and may operate and maintain dams, pipes and conduits for the purpose of carrying water, oil or gas to its mines or properties.

7. Any and all taxes to be paid by the said company to this state shall be paid in money, and not in coupons.

8. This act shall be in force from its passage.

CHAP. 279.—An ACT to incorporate the Norfolk and Newport News ferry company.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That L. H. Shields and L. D. Smith, of Norfolk, Virginia; John B. Kimberley, of Old Point, Virginia; J. L. Marye, junior, of Newport News, Virginia, and Samuel D. Davis, of Richmond, Virginia, or any five of them, their associates and successors, are hereby constituted a body politic and corporate by the name of the Norfolk and Newport News ferry company, and as such shall have all the franchises, rights, privileges, and immunities of a corporation under the laws of the state of Virginia.

2. The said company shall have the right to purchase, lease, hold, equip, furnish, and operate two or more steamboats or other vessels for the purpose of establishing and maintaining a ferry between the city of Norfolk and the town of Newport News, and between Old Point, Willoughby Spit, Norfolk, and intermediate points, and may convey and transport passengers, teams, vehicles, freight, and all other things and persons which in the opinion of the board of directors may be desirable; and the said company shall have the right to charge and collect by due process of law such reasonable tolls, rates, or charges for such conveyance or transportation as the board of directors may prescribe.

3. The capital stock of the said company shall not be less than ten thousand dollars, nor more than one hundred thousand dollars, and each share shall be of the par value of one hundred dollars, and entitled to one vote.

4. A majority of the corporators above named may organize said company by electing a president and board of directors, who shall hold office for one year, or until their successors are elected, and may elect or appoint such other officers as may be necessary for the management of the company's business, and thereupon they shall have and may exercise all the powers and functions of a corporation; and it shall be lawful for the said board of directors to receive subscriptions to the capital stock of the company and accept in payment therefor, either in whole or in part, money, services, labor, or materials, or such other property or thing as may be available for the purposes of the company, and to issue said stock as the same shall be paid for.

5. The said company may acquire and hold, by lease, purchase, condemnation, or otherwise, such real estate at its several termini, respectively, as may be needed for its purposes, and may build thereon such docks, wharves, warehouses, or other structures, as may be necessary or proper: provided that no real estate or other property belonging to any work of internal improvement company shall be taken by condemnation; and may borrow money, and for that purpose may issue bonds, secured by mortgage or deed of trust on its franchises and property, and may sell, lease or otherwise dispose of its franchises, rights and property to any other person or persons.

6. All taxes or other demand due the commonwealth by the said company shall be paid in lawful money of the United States, and not in coupons; and the said company shall carry out the provisions of this act within three years from its passage.

7. This act shall be in force from its passage.

CHAP. 280.—An ACT to constitute the town of Leesburg and adjoining territory a separate school district, and to authorize the council of said town to appoint or elect the school trustees for said district.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That the town of Leesburg, in the county of Loudoun, together with the territory adjacent thereto and embraced within the outer boundaries of the tracts of land hereinafter set out in section two of this act, be, and the same is hereby, constituted a separate school district to be known as the school district for the town of Leesburg, by which name it may sue and be sued, contract and be contracted with, and to be governed by the provisions of the general school law, except in so far as they may be modified by the provisions of this act.

2. There shall be attached to the aforesaid town of Leesburg so much of the outlying territory as is embraced within the outer boundaries of the following tracts of land, beginning with the farm of H. J. Fadeley, where it joins the lands of C. A. Elmore; thence with said outer boundary thereof to the outer lines of the lands of George T. Metzger, George W. Survick, Mistress Joseph Rhodes, J. W. Foster, Mistress J. F. Bowles, J. P. Brinton, R. T. Hempstone, Charles P. Janney, the home place of the late T. W. Edwards's estate, Henry Schulke, Wallace George, Mistress Horatio Trundle, Mistress R. A. Paxton, E. B. Harrison, Henry Harrison (Ball's Bluff place), the lands of John Thomas's estate, Doctor C. S. Carter, Emil Schulke, C. A. Elmore, to the said H. J. Fadeley's land, the beginning, and any other tracks omitted to be mentioned necessary to constitute a continuous outer boundary of said school district.

3. The council of the said town of Leesburg shall have power to appoint three school trustees from any part of the aforesaid consolidated school district to serve one, two, and three years, respectively, and annually thereafter it shall appoint a school trustee for said district to serve for three years. The said trustees shall have the power to regulate and manage the schools in the said district, to appoint teachers, fix their salaries, provide for all necessary expenses and perform all the duties and be clothed with all the power now vested in the trustees of school districts.

4. The said trustees of said district shall have authority and power to use and control for school purposes the public school property in said school district.

5. The aforesaid council of the town of Leesburg, if deemed neces-

sary, shall have power from time to time to levy and collect from the property holders of said school district such tax in addition to that now provided by law as may be required in the judgment of said council for school purposes in said district; provided that the total tax collected in any one year, including state, county, and district school taxes, shall not exceed five mills on the dollar. Said tax to be collected and disbursed in the same manner as is now provided by law for the collection and disbursement of district school taxes.

6. The said school trustees, as soon after their appointment and organization as practicable, shall cause a census to be taken of the school population of the said district in legal form, and report the same to the superintendent of public instruction and county superintendent of public schools; and thereafter all state and county school funds to which said district shall be entitled shall be apportioned accordingly.

7. This act shall be in force from its passage.

CHAP. 281.—An ACT to authorize the common council of the city of Fredericksburg to execute and deliver the bonds of said city for ten thousand dollars to the Assembly's home and school at Fredericksburg, Virginia, and to authorize that corporation in consideration thereof to provide instruction to certain pupils of the free schools of said city.

Approved February 11, 1896.

Whereas the Assembly's home and school at Fredericksburg, Virginia, a corporation created, organized and operating under an act of the general assembly, approved December sixteenth, eighteen hundred and ninety-three, has founded, equipped and is conducting a seminary of learning in Fredericksburg called the Fredericksburg collegiate institute, with ample buildings and grounds in said city, owned by said corporation, in which collegiate institute a full corps of teachers is employed in imparting instruction in the ancient and modern languages, mathematics, physical science, history and literature, equal in its grade to the instruction given in the colleges of Virginia, and the successful operation of this collegiate institute contributes largely to the growth and prosperity of Fredericksburg; and,

Whereas the city of Fredericksburg is unable to provide a high school supplementary to its public free schools, and it will promote the value of these free schools and be of great advantage to the people of Fredericksburg to secure instruction in said collegiate institute of a certain number of the pupils in said free schools who have become proficient in the branches taught in said schools; and,

Whereas the said common council desire to be enabled to effect an agreement in behalf of the people of said city whereby, in consideration of the issuance and delivery to the Assembly's home and school at Fredericksburg, Virginia, of the bonds of said city for the sum of ten thousand dollars there shall be as many as ten of the

proficient pupils from said free schools taught annually in said collegiate institute in all said branches of learning conducted therein as said pupils may be able to pursue: now, therefore,

1. Be it enacted by the general assembly of Virginia, That the common council of the city of Fredericksburg be, and they are hereby, authorized and empowered to have executed and delivered to the Assembly's home and school at Fredericksburg, Virginia, the bonds of said city for the sum of ten thousand dollars. Said bonds shall be either coupon or registered, and shall bear interest at the rate of five per centum per annum, payable semi-annually, and shall be exempted from municipal taxation by said city, and shall be issued in multiples of one hundred and five hundred dollars, as said common council shall determine. The principal of said bonds shall be payable in thirty years from their date, or, upon the call of said common council, at any time after ten years from their date. Said bonds shall have the corporate seal of the city affixed thereto, and shall be signed by the mayor and treasurer of said city, and shall be attested by the clerk of said council, and the coupons shall be signed by said treasurer.

2. In order to provide for the payment of the accruing interest on said bonds and of the principal thereof, the said common council are hereby authorized and empowered to levy and collect such amount of taxes as may be sufficient for the purpose upon the property and other subjects of taxation which are taxable by said council.

3. The said bonds shall be delivered to the Assembly's home and school at Fredericksburg, Virginia, so soon as that corporation shall have executed and delivered to said common council an agreement in writing, under its corporate seal, satisfactory in its provisions to said council, binding the said corporation to apply said bonds to the payment of the money expended by said corporation for the land and buildings of said collegiate institute, and for the furniture and equipment of said institute, and for no other purpose; and further binding the Assembly's home and school at Fredericksburg, in consideration of said bonds delivered to it, to provide instruction annually in said institute, in all said branches of collegiate education taught therein, for ten of the proficient pupils from the free schools of Fredericksburg, so far as said pupils may be capable of receiving such instruction, such pupils to be chosen and designated for such instruction in said institute in such manner as said common council shall prescribe, and such pupils to receive said instruction in said institute for such time as said council shall prescribe, but not more than ten such pupils to be entitled to said instruction in said institute during any one session thereof.

4. The Assembly's home and school at Fredericksburg, Virginia, is hereby empowered to enter into and bind itself by such contract with said common council providing for the education of pupils from said free schools in said institute as is mentioned in the last preceding section of this act.

5. This act shall be in force from its passage.

CHAP. 282.—An ACT for the protection of game and song birds in the counties of Amelia and Charlotte.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall not be lawful for any person to kill or capture in any way, or to offer for sale, any pheasants in Amelia and Charlotte counties for twelve months after the passage of this act, nor at any time thereafter except between the first day of October and the first day of February following, or any deer except between the first day of September and the fifteenth day of January following, or any wild turkeys except between the first day of October and the fifteenth day of February following, or any hares or rabbits except between the first day of October and the first day of February following, and between the first day of June and the last day of July in any year, during which last-mentioned months young rabbits or hares may be killed or captured. Nor shall it be lawful to kill or capture, or offer for sale, any of the birds or animals above mentioned, deer excepted, whilst snow is on the ground, or to kill any partridges whilst snow is on the ground, or at any time to kill any mocking-bird, brown thrush, or cardinal or red-bird, in said county.

2. If any person violates any of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be fined for each offence five dollars, one-half of which shall be paid to the informer, and in any prosecution for said offence the possession of any such bird or animal as is mentioned herein shall be prima facie evidence of the guilt of the accused.

3. All acts and parts of acts inconsistent with this act are hereby repealed.

4. This act shall go into effect thirty days after its approval by the governor.

CHAP. 283.—An ACT to prevent the extermination of game in the counties of Orange, Culpeper, Louisa, Spotsylvania, King George and Stafford, and the protection of the same.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to shoot at, kill, or capture any pheasants (or ruffed grouse), or deer in the counties of Orange, Culpeper, Louisa, Spotsylvania, King George and Stafford from January fifteenth, eighteen hundred and ninety-six, until the fifteenth day of October, eighteen hundred and ninety-eight, or to offer for sale or to have in possession, or to ship or transport for sale or otherwise any pheasants (or ruffed grouse), or deer so unlawfully killed or captured in said counties within the aforesaid period; to break up, injure or interfere with any nest of any partridges (or quail),

pheasants (or ruffed grouse), or run or hunt with dogs, or otherwise kill or capture any young deer (or fawn) within the aforesaid period.

2. Any person violating this act shall be arrested and tried before a magistrate, and if found guilty shall be deemed guilty of a misdemeanor and fined ten dollars and cost of prosecution for each offence, and imprisoned in the county jail until the fine be paid, but not exceeding thirty days.

3. In any prosecution for a violation of this act proof of the possession of any such partridge (or quail), pheasant (or ruffed grouse), or deer, either for the purpose of sale or consumption, shall be prima facie evidence of his guilt.

4. The operation of section twenty hundred and seventy-nine of the code of eighteen hundred and eighty-seven, and acts amendatory thereto of February twenty-first, eighteen hundred and ninety-four, shall read as follows: It shall be unlawful to kill or capture or offer for sale or buy any partridges (or quail), pheasants (or ruffed grouse), or wild turkeys, or deer in the counties of Orange, Culpeper, Louisa, Spotsylvania, King George and Stafford between the first day of January and the fifteenth day of October of any year, or at any time to take or destroy the eggs of partridges (or quail), pheasants (or ruffed grouse), or wild turkeys, or capture them with net or traps.

5. This act shall be in force from its passage.

CHAP. 284.—An ACT to incorporate the Portsmouth and Pinner's Point drawbridge company.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That A. E. Warner, M. D. Eastwood, A. B. Butt, A. E. Etheredge, William G. Maupin, junior, C. W. Murdaugh, senior, and Walter C. Brooks, their associates, successors and assigns, be, and are hereby, created and constituted a body politic and corporate by the name of the Portsmouth and Pinner's Point drawbridge company, with full and adequate powers to build, construct, own and operate a bridge across Scott's creek, a branch of the Elizabeth river, from some point in the city of Portsmouth or county of Norfolk on the south side of said creek, to some point on the north side of said creek, in the county of Norfolk, and to acquire and hold so much land as may be necessary for the construction and operation of said bridge: provided, however, that the bridge hereby authorized to be built shall be constructed with a suitable draw, and in such a manner as not to interfere with navigation or the passage of vessels, steamers and other river craft: provided, further, that the bridge of the said Portsmouth and Pinner's Point drawbridge company shall not abut upon any land on the north side of Scott's creek to the east of the western line of the property purchased by Mister H. Walters from J. S. Wise and wife, and

now owned by the Norfolk and Carolina railroad company; and provided, further, that no road leading to the said bridge shall cross the tracks of the said Norfolk and Carolina railroad company at a point east of the western line of the property purchased by the said H. Walters of J. W. Cotton and now owned by the Norfolk and Carolina railroad company.

2. The capital stock of said company shall not be less than five thousand dollars, nor more than twenty-five thousand dollars, divided into shares of one hundred dollars each. The above named incorporators, or any three of them, are hereby created a commission and authorized to receive subscription to the stock of said company in such manner as they deem necessary, and keep the same open until the minimum capital has been subscribed; thereafter they may call a meeting of the stockholders, who may organize the company. As soon as the said bridge is completed the said company may demand and receive such reasonable tolls as may be prescribed by its by-laws, not exceeding, however, the present rate of tolls charged by the Norfolk county ferries.

3. This act shall at all times be subject to amendment, alteration or repeal by the general assembly.

4. All taxes assessed upon said company shall be paid in lawful money of the United States, and not in coupons.

5. This act shall be in force from its passage.

CHAP. 285.—An ACT to provide a new charter for the town of Iron Gate.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That the town of Iron Gate is made and hereby continued a town corporate by the name of the town of Iron Gate, and by that name shall have and exercise all of the powers conferred upon towns by law, and be subject to all the laws now in force or that may hereafter be enacted for the government of towns containing less than five thousand inhabitants, so far as such laws are not in conflict with the provisions of this act.

2. The government of said town shall be vested in one elector of the town, who shall be denominated the mayor, and six other electors, who shall be denominated the councilmen of said town; and said mayor and councilmen shall constitute the council of said town. They shall be elected biennially on the fourth Thursday in May, commencing with the year eighteen hundred and ninety-seven.

3. The boundaries of said town shall be as follows, to-wit: Beginning at a point in the middle of Jackson river about one hundred feet southeasterly from the centre line of Thirteenth street produced; thence south fifty-one degrees forty-four minutes west, fifteen hundred and forty feet to corner; thence north fifty-nine de-

grees fifty-eight minutes west, nine hundred and ninety and three-tenths feet to corner; thence south fifty-two degrees twenty-five minutes west, fourteen hundred and fifty-two feet to corner, near southeasterly corner of block one hundred and thirteen; thence north forty-three degrees twenty-five minutes west, thirty-six hundred and sixty-three feet to corner, near westerly corner of block seventeen; thence north twelve degrees fifty minutes east, twenty-one hundred and fifty feet to corner, near northerly corner of block two; thence north fifty-two degrees twenty-two minutes east, twenty-four hundred and forty feet to corner, about one hundred and fifty feet northerly from chalybeate spring; thence north forty-two degrees forty-nine minutes east, crossing railroad to a point in the middle of Jackson river; thence up the river seven hundred feet to a point in the middle of the river; thence south eighty-seven degrees eight minutes east, sixteen hundred feet to corner near northerly corner of block one hundred and forty-five; thence south twenty-three degrees fifty-nine minutes east, nine hundred and ninety-feet to corner; thence south thirty degrees seven minutes west, six hundred and forty feet to a point in the middle of the river; and thence along the middle of the river forty-nine hundred feet to the beginning, including also a somewhat semi-circular piece of land comprising the extension of Crescent avenue and land enclosed.

4. The council at their first meeting in July after their election shall appoint a sergeant, who shall hold his office for six months and be clothed with the same powers and discharge the same duties as constables within the corporate limits of the town and to the distance of one mile beyond, and in addition thereto he shall perform such other duties as the council may prescribe. The council shall also appoint a clerk, who shall perform such duties as the council may prescribe as well as those imposed by this act. The council shall fix the amount of compensation to be paid to all of the officers appointed by them.

5. The council shall annually, at its regular meeting in May, or as soon thereafter as practicable, order a levy for town purposes, not exceeding one dollar upon the hundred, and said levy shall be upon all property in the town assessed during that year for state taxation. They shall, as soon as may be after the land and property books of the county shall have been completed, cause tickets to be made out, based on assessments contained in said books, of the property, real and personal, embraced within the corporate limits of said town, and as soon as the board of public works shall have completed the assessment of the property of the railway and telegraph companies doing business in the state, also cause to be made out tickets, based upon such assessments, for the amount of the levy upon such property of said companies as may be within the corporate limits of said town. The said tickets shall be placed in the hands of some person appointed by the council for the purpose for collection, who shall have the same powers in collecting the same as is given by sections six hundred and twenty-two, six hundred and twenty-three, and six hundred and twenty-seven of the code of Virginia of eigh-

teen hundred and eighty-seven to the officers named therein. The said levy, from the time it is laid, shall constitute a lien also upon the real estate on which it is made. The said collector shall hold all moneys collected by him subject to the order of the council, and shall pay out the same only upon the warrant of the mayor, countersigned by the clerk of the council.

6. The collector shall make up, within six months after said tickets are placed in his hands, the list of delinquents as provided for by sections ten hundred and forty-five and ten hundred and forty-six of the code of Virginia of eighteen hundred and eighty-seven, and in doing so he shall conform to the provisions of said sections. The council shall have the power to order the sale of all land returned delinquent and to make all necessary regulations for selling the same.

7. The council, whenever in their judgment it is proper so to do, may appropriate out of the moneys of the town a sum, not exceeding four hundred dollars in any one year, to be used in extending the sessions of the public schools now or hereafter established in said town.

8. The present mayor and councilmen—namely, mayor A. Alexander, and councilmen T. C. Jones, R. S. Payne, W. H. Cox, H. J. Lackey, W. A. Cahoon, and T. D. Robinson—shall constitute the council of the town of Iron Gate until their successors are elected as provided for herein and qualified according to law.

9. This act shall be in force from its passage.

CHAP 286.—An ACT for the protection of laboring-men, who are householders, against being deprived of the exemption to which they are entitled under section 3652 of the code of Virginia.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to institute, or permit to be instituted, proceedings in his own name, or in the name of any other person, or to assign or transfer, either for or without value, any claim for debt, or liability of any kind, held by him against a resident of this state, who is a laboring-man and a householder, for the purpose of having payment of the same, or any part thereof, enforced out of the wages exempted by section thirty-six hundred and fifty-two of the code of Virginia, by proceedings in attachment or garnishment, in courts or before justices of the peace in any other state than in the state of Virginia, or to send out of this state by assignment, transfer, or in any other manner whatsoever, either for or without value, any claim or debt against any resident thereof, for the purpose or with the intent of depriving such person of the right to have his wages exempt from distress levy, or garnishment according to the provisions of section thirty-six hundred and fifty-two of the code

of Virginia. And the person instituting such suit, or permitting such suit to be instituted, or sending, assigning, or transferring any such claim or debt for the purpose or with the intent aforesaid, shall be liable in an action of debt to the person from whom payment of the same, or of any part thereof, shall have been enforced by attachment or garnishment, or otherwise, elsewhere than in the state of Virginia, for the full amount, payment whereof shall have been so enforced, together with interest thereon and the costs of the attachment or garnishee proceedings, as well as the costs of said action.

2. The amount recovered in such action shall stand on the same footing with the wages of the plaintiff under section thirty-six hundred and fifty-two of the code, and shall also be exempt and free from any and all liability of the plaintiff to the defendant in the way of set-off or otherwise.

3. The fact that the payment of a claim or debt against any person entitled to the exemption provided for by section thirty-six hundred and fifty-two of the code has been enforced by legal proceedings in some state other than the state of Virginia, in such manner as to deprive such person to any extent of the benefit of such exemption, shall be prima facie evidence that any resident of this state, who may at any time have been owner or holder of said claim or debt, has violated this law.

4. This act shall be in force from the date of its passage.

CHAP. 287.—An ACT to incorporate the Nansemond and Warwick ferry company.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That W. J. Davis, L. K. Hyslop, E. G., L. O., and H. A. Irving, their associates, successors and assigns, be, and are hereby, incorporated a body politic and corporate by the name of the Nansemond and Warwick ferry company, for the purpose and with the power of owning, equipping, leasing, chartering and running one or more yachts or boats, propelled by naphtha, gasoline, electricity, or steam, for the transportation of passengers and freight on the James river and Hampton roads from some point in Warwick county or Newport News to Pig's Point, or some other point in Nansemond county.

2. The capital stock of said company shall not be less than five thousand dollars nor more than one hundred thousand dollars, divided into shares of one hundred dollars each. The above-named corporators, or any four of them, are hereby created a commission and authorized to receive subscriptions to the stock of said company in such manner as they may deem expedient, and as soon as the minimum capital has been subscribed may call a meeting of the stockholders, who may organize the company. The capital stock

may be increased, from time to time, until the maximum sum named in this act is reached.

3. The said company may construct, own, equip, operate and run a ferry to and from any of the above mentioned points to any of the others at any and all times, and may rent, lease or purchase boats and other equipments, and all other things necessary and incident to operate and carry on a ferry as aforesaid, and acquire by lease, rent, purchase, or under chapter forty-six of the code of Virginia, eighteen hundred and eighty-seven, all necessary land for terminals, not to exceed one acre of land at any one terminal, and may charge and collect tolls for the transportation of passengers and freights.

4. The said company may mortgage and encumber, by deed of trust or otherwise, and dispose of its real estate, wharves, docks, boats and any other property, real or personal, privileges and franchises, as they may deem necessary, and may issue bonds, to be secured on its property and franchises.

5. The said company may make rules and regulations for the management, control and conduct of its business and property, not inconsistent with the laws of this state and of the United States.

6. The ferry or ferries authorized to be constructed hereunder shall be begun within two years from the passage of this act and completed in five years thereafter.

7. All taxes due or to become due to the commonwealth of Virginia from the said company shall be paid in lawful money of the United States.

8. This act shall be in force from its passage.

CHAP. 288.—An ACT to amend the charter of the town of Richlands.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That section one of chapter ninety-four of an act entitled an act to charter the town of Richlands, approved January twenty-sixth, eighteen hundred and ninety-one and ninety-two, be amended and re-enacted so as to read as follows:

§ 1. That the territory contained within the limits prescribed in said act, as extended pursuant to the first section of said act and as contained herein, shall be as follows, to-wit: Beginning at a stone at the intersection of the northerly line of the right of way of the Clinch valley division of the Norfolk and Western railroad with the easterly line of a certain fifteen-foot-wide alley produced southerly (said stone being distant in a course north twenty degrees and four seconds west, fifty-two and sixty-nine one-hundredths feet from station eleven, plus forty-one in the center line of said railroad); thence with said northerly side of said right of way by a line curving to the left with a radius of nineteen hundred and fifty and eight-tenths feet, passing Fairfax avenue (sixty feet wide), a distance of four

hundred and sixty-seven and thirty-two one-hundredths feet to a stone; thence still on northerly line of said right of way south, eighty-eight degrees and twenty-five seconds west, eight hundred and twenty-nine and eighty-five one-hundredths feet to a stone, this stone being the starting point of following description: beginning at said point on a course north thirty-eight degrees and twenty-eight seconds west, eleven hundred and thirty feet to a point near the south bank of the Clinch river; thence north forty-three degrees west, nine hundred and three feet to a point; thence north thirty-six degrees east, seven hundred and ten feet to a point; thence north fifty-two degrees and fifty-five seconds east, one hundred and fifty-two feet to a point; thence north thirty-six degrees and fifty-five seconds east, one hundred and ninety-three feet to a point; thence north sixty-three degrees and fifty-five seconds east, one hundred and ninety-eight feet to a point; thence north eighty-nine degrees east, five hundred four and feet to a point; thence north sixty-one degrees and five-tenths seconds east, eighty-four feet to a point; thence north thirty degrees east, three hundred and twenty-three feet to a point; thence north fifty-five degrees and fifty seconds east, seven hundred and seventy-one feet to a point; thence north seventy degrees and forty-five seconds east, one hundred and eight feet to a point; thence north fifty-four degrees and thirty-five seconds east, seven hundred and eighty-nine feet to a point; thence due east, thirty-seven hundred and twenty feet to a point; thence due south, thirty-four hundred and twenty feet to a point on the south side of the right of way of the Clinch valley division of the Norfolk and Western railroad; thence south seventy-two degrees east, three hundred and forty feet to a point; thence north eighty-four degrees and ten seconds east, five hundred and thirty feet to a point; thence south twenty-nine degrees and fifty seconds east, three hundred and seventy feet to a point; thence south four degrees and ten seconds east, eight hundred feet to a point; thence south five degrees and fifty seconds west, two hundred and fifty feet to a point; thence south eighty-three degrees west, seven hundred and ninety-six and five-tenths feet to a point; thence south fifty-six degrees and thirty seconds west, two hundred and ninety-four and five-tenths feet to a point; thence south three degrees and fifty seconds east, six hundred feet to a point; thence north eighty-four degrees and thirty seconds west, forty-seven hundred and sixty-five feet to a point; thence four degrees and thirty-eight seconds west, forty-four hundred and ninety-seven feet to a point; thence north fifteen degrees west, four hundred and twenty-nine feet to a point; thence north thirty-eight degrees and twenty-eight seconds west, eight hundred and forty-eight and one-tenth feet to the point of beginning.

2. This act shall be in force from its passage.

CHAP. 289.—An ACT to authorize M. M. Lynch, substituted trustee, to convey certain property in the city of Winchester, which was devised for the benefit of the Catholic church by John Burns, deceased.

Approved February 11, 1896.

Whereas John Burns, deceased, lately a citizen of the city of Winchester, Virginia, did by his last will, dated January tenth, eighteen hundred and sixty-one, and recorded in the clerk's office of the county court for Frederick county, Virginia, devise certain realty situate in said city in trust to John McGill, bishop of Richmond, trustee for the Roman Catholic church in said city; and

Whereas said trustee having died, and by due process Maurice M. Lynch hath been appointed substituted trustee in his stead by an order of the county court aforesaid, and as such now holds said realty—

1. Be it enacted by the general assembly of Virginia, That said devise is hereby declared valid, and that said substituted trustee do hold the said realty in fee simple upon the trusts and for the purposes specified and enjoined by the said will, and the state of Virginia doth hereby release all rights, if any it has, to the said realty, and the said substituted trustee shall hold the said property in trust for the congregation of the Roman Catholic church of the Sacred Heart in said city, with full power to sell and convey the same and administer the fund arising therefrom according to the provisions of said will.

2. This act shall be in force from its passage.

CHAP. 290.—An ACT to amend and re-enact section 812 of the code of Virginia, 1887, in regard to the superintendent of the poor of Lee county.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and twelve of the code of Virginia, eighteen hundred and eighty-seven, in regard to the superintendent of the poor of Lee county, be amended and re-enacted so as to read as follows:

§ 812. When and how officers qualify.—Every county and district officer elected by the people, every city officer mentioned in section eighty-eight, and every county surveyor and superintendent of the poor appointed for a term shall, on or before the first day of July, next succeeding his election or appointment (*provided that the superintendent of the poor of Lee county shall enter upon the duties of his office on the first day of January succeeding his appointment, and shall hold his office for the term of four years, as now provided for by law*), qualify by taking the oath prescribed by section one hundred and sixty-eight, and the oath prescribed by section one hundred and sixty-nine or

section one hundred and seventy, as may be proper, and give the bond, if any, required by law, before the county or corporation or hustings court of the county or corporation for which he is elected or appointed, or for the district for which he is elected, or before the judge of the circuit, county, corporation, or hustings court of said county or corporation in vacation. When the officer qualifies and gives the bond before a judge in vacation, the judge shall certify the fact, and the bond and certificate shall be returned to the clerk of the said county or corporation or hustings court, and the certificate shall be entered by him in the order book of the said court on the law side thereof, and such bond, and also any bond given before the court, shall be recorded by the clerk; provided the clerk of the chancery court of the city of Richmond may qualify and give bond before the said court, or if he qualify and give bond before a judge in vacation, as hereinbefore provided, his bond and certificate of qualification shall be returned to and recorded in the said court.

2. This act shall be in force from its passage.

CHAP. 291.—An ACT to amend and re-enact an act entitled an act to authorize the Chesapeake and Ohio railway company to construct, operate and maintain a branch or connecting line between its railroads, in the counties of Goochland and Henrico, or either of them, approved January 31, 1890, so as, in addition to the powers authorized by said act, to enable the Chesapeake and Ohio railway company to construct, maintain and operate additional lines of railway in, through or by the city of Richmond, in conformity with any agreement which may hereafter be entered into between the council of the city of Richmond and said Chesapeake and Ohio railway company, and in the county of Henrico, with power to the said Chesapeake and Ohio railway company to condemn any and all property and rights, corporeal or incorporeal, necessary to the exercise of the powers herein granted.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That the act entitled an act to authorize the Chesapeake and Ohio railway company to construct, operate and maintain a branch or connecting line between its railroads, in the counties of Goochland and Henrico, or either of them, approved January thirty-first, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the Chesapeake and Ohio railway company be, and it is hereby, authorized to construct, operate and maintain a branch or connecting line between its railroads, in the counties of Goochland and Henrico, or either of them, by any route deemed most expedient for that purpose, and it may, if deemed expedient, extend such branch across the main line to the peninsula division of said Chesapeake and Ohio railway within the county of Henrico; and the said Chesapeake and Ohio railway company is further authorized to construct, with all necessary foundations, piers, columns, posts, and so forth, an iron or steel viaduct or structure supporting double track lines of railway

and the sidings, switches and connections adjacent or incident thereto, and to maintain and operate the said structure and tracks as a railway forever in, through, and by the city of Richmond, and in the county of Henrico from a point to be selected by the said company on its James river division above the works of the Tredegar company; thence, after obtaining the consent of the city council of the city of Richmond, by such route as may be agreed upon between the council and the said Chesapeake and Ohio railway company, across such streets, alleys, highways, waterways, rights, bridges, and other structures and works as may be crossed, to the city limits, and thence to a connection with the peninsula division of the said Chesapeake and Ohio railway company within the county of Henrico; with the right likewise to construct, maintain, and operate forever, an iron or steel viaduct or structure, with elevated railway tracks, upon such plans as may be agreed upon between the city of Richmond and the said Chesapeake and Ohio railway company, commencing from or near the present tracks of the Chesapeake and Ohio railway company near Clay street, between Sixteenth and Seventeenth streets, and thence across such streets, alleys, highways, waterways, rights, bridges and other structures and works as may be crossed, to a connection with the lines of railway last hereinabove authorized to be constructed; with the right to construct, use, maintain and operate all needful depots, trainsheds, and such other structures as may be provided for in said agreement, and proper for the use and operation of the said Chesapeake and Ohio railway company.

§ 2. The said Chesapeake and Ohio railway company is hereby authorized and empowered to make such changes and alterations in highways, waterways, and docks as may be deemed by it necessary for the purpose of constructing, maintaining, and operating the lines of railroad, and additions and improvements in connection therewith, authorized to be built, maintained, and operated under and by virtue of this act, and as may be in conformity with such plans as may be agreed upon between the city of Richmond and the said Chesapeake and Ohio railway company.

§ 3. The Chesapeake and Ohio railway company shall have the right to acquire, by condemnation or otherwise, a continuous tract of land, not exceeding one hundred feet in width, between the line of road now known as the Richmond and Alleghany railway, or the James river division of the Chesapeake and Ohio railway, and the line or lines of road known as the Chesapeake and Ohio railway, together with such additional lands as may be necessary for depots, train-sheds, and other structures, depot grounds, yards, shops, round-houses, and other purposes of said company, not exceeding one hundred acres in addition to the land now held by the said company; provided that if said line be located within five miles of the limits of the city of Richmond the principal turnpikes and thoroughfares shall be provided with gates and watchmen in all cases where they are intersected at grade; and the said Chesapeake and Ohio railway company shall also have the right to acquire, by condemnation or otherwise, all real estate and other property and rights, corporeal or incorporeal, necessary to enable it to construct, maintain, and oper-

ate the lines of railway, viaducts, buildings, structures, and appurtenances thereto, additions, and improvements authorized to be constructed, maintained, and operated, under and by virtue of this act, in, through, or by the city of Richmond and in the county of Henrico. Proceedings to condemn shall be in conformity with chapter forty-six of the code of Virginia, and in the event that the tenant of the freehold is unknown, publication shall be had in the manner prescribed by section ten hundred and seventy-five of the said code of Virginia.

2. This act shall be in force from its passage.

CHAP. 292.—An ACT to amend and re-enact section 2919 of the code as amended and re-enacted by an act approved February 29, 1888, in relation to the limitation of suits.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-nine hundred and nineteen of the code as amended by an act approved February twenty-ninth, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows:

§ 2919. The period between the seventeenth day of April, eighteen hundred and sixty-one, and the second day of March, eighteen hundred and sixty-six, shall be excluded from the computation of the time within which, by the terms or operation of any statute or rule of law, it may be necessary to commence any action or other proceeding, or to do any other act to preserve or prevent the loss of any civil right or remedy, or to avoid any fine, penalty, or forfeiture; and the period between the second day of March, eighteen hundred and sixty-six, and the first day of January, eighteen hundred and sixty-nine, and the period of one year from the death of any party, shall be excluded from the computation of time within which, by the operation of any statute or rule of law, it may be necessary to commence any proceeding to preserve or prevent the loss of any right or remedy.

2. This act shall be in force from its passage.

CHAP. 293.—An ACT to amend and re-enact the 14th section of an act entitled an act to amend and consolidate into one act the laws relating to the public printing, and binding and defining the duties of the superintendent of public printing, and to repeal chapter 185 of the acts of assembly of 1879-'80, approved May 23, 1887.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That section fourteen of an act entitled an act to amend and consolidate

into one act the laws relating to the public printing and binding, and defining the duties of the superintendent of public printing, and to repeal chapter one hundred and eighty-five of the acts of assembly of eighteen hundred and seventy-nine and eighty, approved May twenty-third, eighteen hundred and eighty-seven, be, and the same is hereby, amended and re-enacted so as to read as follows :

§ 14. All persons presenting petitions to the general assembly, asking the passage of private bills, and all joint stock companies making application for charters of incorporation shall, before the same are considered in either house, cause the same to be printed under the supervision of the superintendent of public printing, whose duty it shall be to obtain the best terms possible for printing, but at the expense of the person presenting such petition or bill, or of the company making such application, two hundred and fifty copies of such petition or bill.

2. This act shall be in force from its passage.

CHAP. 294.—An ACT for the relief of W. H. Ewing, treasurer of Prince Edward county.

Approved February 12, 1896.

Whereas it appears from satisfactory evidence that W. H. Ewing had, on August first, eighteen hundred and ninety-three, the sum of three thousand and six dollars and one cent, licenses taxes due the commonwealth, deposited in the commercial savings bank, Farmville, Virginia, to his credit as treasurer, and said sum was lost in the failure of said bank at that date without default on his part; and whereas said Ewing brought suit against said bank to recover the aforesaid debt and has collected thereon the sum of nine hundred and thirty-one dollars and eighty-six cents, all of which he has paid into the state treasury; and whereas said suit is still pending: now, therefore.

1. Be it enacted by the general assembly of Virginia, That W. H. Ewing, treasurer of Prince Edward county, be, and he is hereby, allowed until December thirty-first, eighteen hundred and ninety-seven, to settle with the commonwealth the debt due as hereinbefore set forth; provided the sureties of said Ewing file with the auditor of public accounts their assent, in writing, to this extension of time, and no interest shall be charged on this debt or any part thereof.

2. This act shall be in force from its passage.

CHAP. 295.—An ACT to incorporate the Piedmont mining and manufacturing company.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That F. H. Fries, R. J. Reynolds, W. A. Lemley, J. W. Fries, C. H. Fogle, G. W. Hinshaw, F. J. Stone, P. P. Watson, J. H. Spencer, C. B. Bryant, H. C. Lester, J. W. Coon, H. S. Trout, or such of them, or such other persons as may associate themselves together with the said persons, be, and they are hereby, constituted a body politic and corporate under the name of the Piedmont mining and manufacturing company, and by that name shall have perpetual succession, a common seal, with the right to alter the same at pleasure, and shall have the right to sue and be sued, plead and be impleaded in the courts, and shall possess and enjoy all the rights and privileges and be subject to all the rights extended or imposed on corporations of a similar nature by the general law.

2. The said company shall have the right to acquire and hold by gift, grant, devise, purchase, lease, or otherwise, coal, mineral, timber, and other lands in the counties of Henry, Patrick, Botetourt, Franklin, Craig, Roanoke, and Montgomery, in fee simple or for a less estate, and to improve, sell, exchange, lease, mortgage, or otherwise dispose of or encumber the same. It shall have the right to mine coal, iron ore, fire clay, limestone, manganese, and other minerals and ores; to own, open up, and operate quarries, to manufacture iron, steel, and other metals and articles composed of metals; to buy and sell timber and to manufacture the same into marketable articles; to erect blast furnaces, rolling mills, mills, forges, machinery, fixtures, buildings, and necessary appurtenances required in the conduct of the business of said company, and to deal in all commodities incident thereto.

3. The said company shall have the right to construct or operate a railroad or railroads to or from any of the said company's property in the counties aforesaid, and to transport freight and passengers thereon, and to charge and receive tolls therefor, and the right of condemnation of land under the general law.

4. The said company shall not have the right to hold at any one time more than ten thousand acres of land in fee simple in any one county, nor shall any one line of railroad constructed by it exceed thirty miles in length.

5. The capital stock of said company shall not be less than twenty-five thousand dollars, to be divided into shares of the par value of one hundred dollars each; but the board of directors may, at their discretion, from time to time increase the capital stock to such an amount not to exceed five hundred thousand dollars, and dispose of the same at such price and upon such terms as they may decide. Whenever twenty-five thousand dollars shall have been subscribed to the capital stock of the said company, the subscribers thereof, their executors, administrators, or assigns, shall be permitted to organize the said corporation, and the same may proceed or commence with its operations. The said company may receive in payment

subscriptions to its capital stock real or personal property. At all meetings of the stockholders each share of stock shall be entitled to one vote.

6. The stockholders of said company shall meet as soon as practicable after the requisite amount of stock has been subscribed, and shall proceed to elect not less than five nor more than ten directors, to serve until the next regular annual meeting of the stockholders; and annually thereafter, at the regular annual meeting of the stockholders of the said company, there shall be elected a similar number of directors, who shall serve for one year and until their successors are elected. The said directors shall select from their number one who shall be president of the said company, whose term of office shall be one year and until his successor is elected; and the said directors shall make a similar selection at some time each year, to be designated by the by-laws of said company. The said directors shall have power to make and enact rules and by-laws for the government of the company; and the president or directors, as may be declared by such by-laws, shall have power to appoint and remove such officers as may be deemed necessary for the conduct of the business of said company.

7. The said company may borrow money or create indebtedness for the purposes of its business in such manner as may be prescribed by the board of directors, and may issue bonds or negotiable paper, registered or coupon, or other evidences of indebtedness, and secure the same by mortgages on its property, privileges, and franchises, and dispose of the same as may be directed by the said directors aforesaid.

8. The said company agrees to pay all taxes, dues, or demands now or hereafter due to the state of Virginia in lawful money, and not in coupons.

9. The general assembly reserves the right to alter or repeal this charter at pleasure.

10. This act shall be in force from its passage.

CHAP. 296.—An ACT to amend and re-enact section 10 of chapter 743, of acts of assembly of 1893-'94, with reference to the unlawful taking or catching of crabs.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That section ten of chapter seven hundred and forty-three, acts of the assembly, eighteen hundred and ninety-three and ninety-four, approved March five, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 10. If any person other than a resident of this state shall take or catch crabs, oysters or other shell fish in any of the waters of the state, or rent any oyster planting ground, or plant oysters in any of the waters of the state, he shall be deemed guilty of a felony, and

upon conviction thereof, be confined in the penitentiary not less than one nor more than three years; or at the discretion of the jury be confined in jail not exceeding one year, and fined not exceeding five hundred dollars.

2. This act shall be in force from its passage.

CHAP. 297.—An ACT to incorporate the Lexington and Goshen railroad company.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That John C. Boude, W. S. Hopkins, Robert Catlett, J. S. Craig and John W. Bell, and their associates, successors and assigns, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Lexington and Goshen railroad company, in which name it shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, contract and be contracted with, and shall have and exercise all the rights, powers and privileges, and be subject to all the duties and obligations of corporations of a like character under the laws of the state of Virginia.

2. The capital stock of the said company shall not be less than ten thousand dollars, nor more than three hundred thousand dollars, and shall be divided into shares of one hundred dollars each. The company may receive subscriptions to its capital stock, or payments for its shares, in money, land or other property, or services, upon such terms as may be authorized by the board of directors, and said company may give a preference to a portion of its capital stock over the residue thereof as to dividends, and the payment thereof.

3. The above-named incorporators, or any three of them, are hereby authorized to receive subscriptions to the capital stock of the said company, and for that purpose may open books of subscription and keep the same open until at least the minimum capital stock shall have been subscribed; whereupon they shall convene the subscribers to the said capital stock, who in such meeting may organize the said company, and elect a board of directors, and adopt by-laws, rules and regulations for the conduct of the affairs of the company. The board of directors so elected shall consist of not less than five nor more than nine members.

4. The said company shall have the right to locate, construct, equip and operate a line of railroad from some point at or near the town of Lexington, in Rockbridge county; thence by the most advantageous and practicable route to or near the town of Goshen, in said county; thence northwardly to the line of the state of West Virginia, opposite the counties of Pocahontas or Pendleton, in the said state, and may operate the said road by steam or other motive power as may seem most expedient; and may construct and operate

lateral or branch roads or tramways from any point on its main line to such points as it may deem necessary or advantageous for the successful operation of its business, and may intersect, join, or connect its track with any other railroad upon such terms as may be agreed upon by said company, and the company whose lines are so intersected or joined.

5. The said company may acquire by condemnation according to the laws of Virginia, or by gift or purchase, or may receive in payment for its capital stock, the lands required for the right of way for its railroad, stations, yards, side-tracks, branches, shops, and terminal facilities; and shall also have the right to acquire and hold, by lease, or purchase, mineral, timber, or other lands along its line of railroad, not exceeding ten thousand acres at any one time, and may sell or lease such lands, or otherwise dispose of the same, in such manner as may seem most advantageous to the company.

6. The company may, from time to time, issue its bonds to such an amount as may be deemed necessary by its board of directors for the construction and equipment of its road and the proper prosecution of its business, and may sell such bonds on such terms and for such sums as the board of directors may deem expedient, and may secure payment of such bonds by one or more mortgages or deeds of trust upon its property, rights, and franchises.

7. The company may, by its by-laws, designate what officers are to manage, regulate, and conduct its affairs, and prescribe the duties of such officers, and make such other and further regulations for the conduct of its business as it may see fit, not in conflict with the laws of this commonwealth.

8. The said company may organize under the provisions of this act at any time within two years from its passage, and shall commence the construction of its road within two years from the passage of this act, and complete the same within five years after the passage of this act.

9. All taxes due the commonwealth by the said company shall be paid in lawful money of the United States, and not in coupons.

10. This act shall be in force from its passage.

CHAP. 298.—An ACT to amend and re-enact sections 1 and 13 of an act entitled "an act to incorporate the Fredericksburg and Lancaster railroad company," approved January 22, 1894.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That sections one and thirteen of an act entitled an act to incorporate the Fredericksburg and Lancaster railroad company, approved January twenty-two, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That William A. Little and John E. Mason, Robert J. Washington, William A. Jones, Lloyd T. Smith, Robert Mayo, Howard Hathaway, W. McDonald Lee, Benjamin Chambers, Henry T. Douglas, Walter R. Crabbe and their associates and assigns be, and they are hereby, constituted a body politic and corporate, under the name and style of the Virginia, Fredericksburg and Western railroad company.

§ 13. The construction of said road shall be begun in two years from the first day of April, eighteen hundred and ninety-six, and be completed in five years from said date.

2. This act shall be in force from its passage.

CHAP. 299.—An ACT to ratify, confirm, and approve charters, incorporating joint stock companies granted by the circuit or corporation courts of this state, or by the judge of any such court in vacation, in which the capital stock is not in excess of ten thousand dollars, and the directors, including the president, are fixed at three.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That if any charter incorporating a joint stock company heretofore granted by any circuit or corporation court of this state, or by any one of the judges of such courts in vacation, the capital stock be not in excess of ten thousand dollars, and the directors for the first year and thereafter, including the president, are fixed at the number of three, unless the stockholders in general meeting shall prescribe a different number, every such charter is, as to such provisions respecting the number necessary to constitute the directory, including the president, hereby ratified, approved, and confirmed.

2. Every such joint stock company shall be deemed and held to have been duly organized and fully authorized to conduct business according to law from and after the date when its charter was lodged with the secretary of the commonwealth, and with a board of directors (including the president), constituted as provided for in the first section of this act.

3. This act shall take effect from its passage.

CHAP. 300.—An ACT to enable the county of Stafford to replace its bonds bearing six per cent. interest with bonds bearing five per cent. interest, and to authorize the issue of said bonds bearing interest at five per cent.

Approved February 12, 1896.

Whereas by three several acts of the general assembly of Virginia, approved January fourteenth, eighteen hundred and eighty-two,

March eighteenth, eighteen hundred and eighty-four, and February twentieth, eighteen hundred and eighty-six, respectively. the county of Stafford was authorized and empowered to build a bridge across the Rappahannock river, at or near the town of Falmouth, in said county, and to issue the bonds of Stafford county in payment for the same; and

Whereas the said county of Stafford, in pursuance of said authority, did issue the bonds of said county bearing six per centum interest, dated the first day of January, eighteen hundred and eighty-six, payable thirty years after date, and redeemable ten years after date, at the option of the said county of Stafford; and

Whereas the said ten years have expired and the said bonds are now redeemable; and

Whereas the county of Stafford is desirous of calling in and redeeming the said bonds of the said county bearing six per centum interest, and replacing them with bonds bearing five per centum interest; and

Whereas the board of supervisors of the said county of Stafford, by an order entered at its meeting January fifteenth, eighteen hundred and ninety-six, has directed the treasurer of the county to call in and redeem the twenty-four thousand dollars of its bonds outstanding and bearing six per centum interest and replace the same with an amount of bonds bearing five per centum interest as hereinafter provided:

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Stafford county, Virginia, is authorized and empowered to issue the bonds of the county of Stafford in an amount not exceeding twenty-five thousand dollars, and bearing interest at not exceeding five per centum per annum. And said bonds bearing five per centum interest are hereby declared to be equally as binding as an obligation on said county when issued as the bonds which are to be called in and paid. And the six per centum bonds, when called in and paid with the money derived from the issue of bonds authorized by this are directed to be destroyed by being burned by the treasurer in the presence of the board of supervisors of said county.

2. The said bonds shall be registered or coupon, shall bear date as of January first, eighteen hundred and ninety-six, and be payable twenty years after date.

3. The said issue of bonds herein authorized may be in denominations of five hundred dollars and one thousand dollars, as the board of supervisors shall determine, and be signed by the chairman of the board of supervisors, and countersigned by the county clerk of Stafford county, with the seal of the said board of supervisors of Stafford county attached thereto.

4. The said bonds shall be sold at not less than par, and all moneys arising from the sale thereof shall be used in the payment of the expenses attendant upon the issue of the bonds hereinbefore authorized, and the payment of the present outstanding six per centum bonds of the county of Stafford, and for no other purposes whatsoever.

5. The interest on said bonds shall be payable semi-annually, and out of the levy and fund now provided by the acts above recited for the payment of interest on the present outstanding six per centum bonds,

6. All acts or parts of acts inconsistent with this act are hereby repealed.

7. This act shall be in force from its passage.

CHAP. 301.—An ACT to authorize the Numsen manufacturing company to erect a wharf or wharves along its water front on Urbanna creek, at Urbanna, in Middlesex county, Virginia.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That the Numsen manufacturing company be, and is hereby, empowered to erect a wharf or wharves along its water front on Urbanna creek, at Urbanna, in Middlesex county; provided said wharf or wharves shall not obstruct navigation, and shall be subject to the laws of this state governing wharves erected in the waters of this commonwealth.

2. This act shall be in force from its passage.

CHAP. 302.—An ACT to define a lawful fence for the county of Princess Anne.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That within the county of Princess Anne the boundary lines of lots or tracts of land shall be, and is hereby, declared to be a lawful fence, and all animals going at large in said county shall be subject to provisions of sections two thousand and forty-two, two thousand and forty-nine, and two thousand and fifty of the code of Virginia.

2. This act shall be in force from its passage.

CHAP. 303.—An ACT to incorporate the Blue Ridge club.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That L. T. Hanckel, Micajah Woods, John W. Fishburne, George W. Morris, W. J. Keller, George R. B. Michie, John M. White, W. H. Echols,

D. Langhorne, J. Triplett Haxall, John Armstrong Chandler, Murray Boocock, and such other persons as are now associated with them or may hereafter become associated with them, are hereby constituted a body corporate by the name of the Blue Ridge club, to be located in the city of Charlottesville, for the promotion of social intercourse and for the purpose of maintaining a library and reading room.

2. The said corporation shall have power to make and adopt a constitution and by-laws, rules, and regulations for the admission and expulsion of its members and their government, the election of its officers and to define their duties; for holding general and special meetings of its members for the transaction of business, at any and all of which said meetings its members shall have the right to vote in person, or by proxy, and for the safe-keeping and protection of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules, and regulations; provided the same be not inconsistent with the constitution and laws of the United States or the state of Virginia.

3. The said corporation may purchase, lease, hold, or dispose of any real or personal estate; provided that they shall not hold real estate in excess of five acres of land; and said corporation may borrow money upon its property, both real and personal, and may issue bonds, with interest coupons attached therefor, and may secure the same by deed of trust, mortgage, or otherwise.

4. This act shall be in force from its passage, and be subject to amendment, alteration, or modification at the pleasure of the general assembly.

CHAP. 304.—An ACT to amend and re-enact section 2486 of code of 1887, as amended by an act to amend and re-enact sections 2485 and 2486 of the code of Virginia, in relation to the lien of employees, &c., of transportation, mining and manufacturing companies, on franchises and property of said companies, and how the same may be perfected and enforced, approved February 15, 1892.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-four hundred and eighty-six of the code of eighteen hundred and eighty-seven, as amended by an act entitled an act to amend and re-enact sections twenty-four hundred and eighty-five and twenty-four hundred and eighty-six of the code of Virginia, in relation to the lien of employees, and so forth, of transportation, mining and manufacturing companies, or franchises and property of said companies, and how the same may be perfected and enforced, approved February fifteenth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 2486. No person shall be entitled to the lien given by the preceding section unless he shall, within ninety days after the last item of this bill becomes due and payable for which such supplies are furnished

or service rendered, file in the clerk's office of the court of the county or corporation in which is located the chief office in this state of the company against which the claim is, or in the clerk's office of the chancery court of the city of Richmond, when such office is in said city, a memorandum of the amount and consideration of his claim, verified by affidavit, which memorandum the said clerk shall forthwith record in the deed book, and index the same in the name of the said claimant, and also in the name of the company against which the claim is. Any such lien may be enforced in a court of equity.

2. This act shall be in force from its passage.

CHAP. 305.—An ACT in relation to unlawful detainer in the city of Alexandria.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall not be necessary for justices of the peace residing in the city of Alexandria to make their summonses in unlawful detainer proceedings returnable to, and the cases heard and determined in the wards where the defendants reside, but may make the same returnable to and hear and determined the same at their respective offices, wherever located in said city, without reference to the residence of defendants. In all other respects their proceedings shall conform to the provisions of chapter one hundred and twenty-three of the code of Virginia.

2. This act shall be in force from its passage.

CHAP. 306.—An ACT to repeal section 1916 of the code of Virginia as amended and re-enacted by an act entitled an act to amend and re-enact section 1916 of the code, in relation to the duties of the sealer of weights and measures, approved February 9, 1892, as amended by an act of the general assembly, approved January 30, 1896.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That section nineteen hundred and sixteen of the code of Virginia as amended and re-enacted by an act entitled an act to amend and re-enact section nineteen hundred and sixteen of the code, in relation to the duties of the sealer of weights and measures, approved February ninth, eighteen hundred and ninety-two, as amended by an act of the general assembly of Virginia, approved January thirtieth, eighteen hundred and ninety-six, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 307.—An ACT to authorize the board of supervisors of the county of Lunenburg to borrow six thousand dollars to put the county on a cash basis.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That it may be lawful for the board of supervisors of the county of Lunenburg, in its discretion, to borrow a sum of money not to exceed six thousand dollars to put the county on a cash basis; and the said board is authorized and empowered to issue the bonds of the county for said loan, either registered or coupons, in such denominations as the said board may determine.

2. The bonds authorized to be issued by this act shall be in such form as the board may prescribe, shall be signed by the chairman of the said board, countersigned by the clerk of the board, and sealed with its seal; shall bear a rate of interest not exceeding six per centum per annum, payable semi-annually, to be payable not exceeding ten years after date and redeemable after such time as the said board may prescribe. If coupon bonds are issued they shall be payable to bearer and shall have coupons attached for the semi-annual installments of interest. No bonds issued under this act shall be sold at less than par.

3. The board of supervisors shall annually include in the levy upon the property and lawful subjects of taxation in said county, as a part of the annual county levy, a sum and tax sufficient to pay the interest on said bonds, and in such manner as it may deem best create a sinking fund sufficient to pay the said bonds at or before maturity.

4. But nothing in this act shall be construed to compel said board to issue any bonds under this act until a majority of said board has determined to do so at a regular meeting of the board, or at a called meeting thereof, regularly called as now provided by law.

2. This act shall be in force from its passage.

CHAP. 308.—An ACT to maintain the credit of Norfolk county, and to authorize the treasurer of said county to borrow money.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, In order that the county warrants may be promptly paid and the credit of the same maintained, and thereby expenses lessened, that the treasurer of the county of Norfolk be, and he is hereby, authorized and empowered to borrow money from time to time as may be necessary, a sum or sums of money, not exceeding in the aggregate the sum of twelve thousand dollars in any one year, to meet county warrants which may have been, or may hereafter be, issued for the payment of county expenses and for no other purpose; provided, however,

that the amount so borrowed in any one year shall be fully paid from the county levies before any sum be borrowed in the succeeding year.

2. The said treasurer of the county of Norfolk is hereby authorized and empowered to execute his note or notes, bearing six per centum interest, as treasurer for said sum or sums of money borrowed under authority of this act, which said note or notes shall be countersigned by the chairman of the board of supervisors of said county of Norfolk.

3. This act shall be in force from its passage.

CHAP. 309.—An ACT to amend and re-enact section 848 of the code of Virginia as amended and re-enacted by an act entitled "an act to amend section 848 of the code of Virginia in relation to compensation of supervisors," approved March 5, 1894.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and forty-eight of the code of Virginia, as amended and re-enacted by an act entitled "an act to amend section eight hundred and forty-eight of the code of Virginia, in relation to the compensation of supervisors," approved March fifth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 848. Compensation of supervisors.—Each member of the board of supervisors shall be allowed and paid out of the county levy a compensation for his services and expenses in attending the meetings of the board at the rate of three dollars per diem for the time he shall actually attend, and five cents for each mile travelled in going to or returning from the place of meeting; but no per diem allowance shall be made for any time occupied in travelling where mileage is allowed therefor; provided, that but one mileage shall be allowed for any one term of meeting of such board, and no supervisor shall be allowed to draw pay for more than ten days' attendance in any one year, except that in the counties of Warren, Rockingham, Shenandoah, where no supervisor shall be allowed to draw pay for more than fifteen days in any one year; provided, further, that the supervisors of the counties of Lee, Scott, Wise, Buchanan, Floyd, Russell and Bland shall each receive allowance of only two dollars per day for attendance, but not to exceed ten days in one year, except in the county of Northampton, each supervisor may draw pay for not more than sixteen days, and in the county of Pittsylvania each supervisor may draw for not more than twenty days' attendance in any one year; provided that the provisions of this act shall not apply to any counties where there is a special law in relation to compensation of supervisors now in force in such counties.

2. This act shall be in force from its passage.

CHAP. 310.—An ACT to incorporate the King's daughters' hospital of Staunton, Virginia.

Approved February 13, 1896.

1. Be it enacted by the general assembly of Virginia, That James N. McFarland, G. G. Gooch, James H. Skinner, H. C. Tinsley, W. P. Tams, R. P. Bell, J. J. Prufer, Henry Walker, Howard Wayt, J. L. Barth, Reeves Catt, R. P. Ker, A. M. McFultz, F. B. Miller, S. Ker, V. M. Henkel, S. Martin, H. B. Wilson, H. Guy, P. Wheat, M. Walke, F. McCue, E. Brown, M. Price, M. J. Bissell, F. McIlhaney, M. Shelton, K. Lefwich, J. M. Kinney, M. Speck, M. Ker, L. Woodward, S. Frazier, N. Miller, S. Wren, J. Woods, C. Crowle, J. Bumgardner, M. Bell, E. Claxton and E. Miller, or such of them as shall accept this act, with such other persons as may hereafter be associated with them, and their successors, be, and they are hereby, constituted and declared a body politic and corporate, to be known as the King's daughters' hospital of Staunton, Virginia, by which name they shall be known in law, and shall have perpetual succession and a common seal, which they may alter at pleasure; shall sue and be sued, and shall have and exercise all the rights, powers and privileges pertaining to corporations and necessary for the purposes of this act.

2. The corporation shall have the following powers in addition to the general powers above mentioned, and these powers, or such of them as it shall exercise, are the purposes for which this corporation shall exist:

First. To maintain at Staunton, Virginia, a hospital for the medical and surgical aid, treatment and cure of persons who are sick, deformed or suffering from bodily injuries.

Second. To instruct and train suitable persons in the duties of nurses for the sick.

3. To enable the corporation to exercise the powers hereby granted, or any of them, it may acquire by purchase, gift or otherwise, all kinds of property, real and personal or mixed, including the stocks and bonds of corporations and the obligations of individuals, and may hold and use the same and take the rents, issues, profits and income thereof for the purposes aforesaid; and may sell, transfer, mortgage and dispose of said property in any manner, at any time or times, and on any terms; and all property and the rents, issues, profits and income thereof while owned by the corporation to an amount not exceeding ten thousand dollars, shall be wholly exempt from taxation.

4. The corporation shall have full power to exclude such forms of disease or sickness as it may be deemed unsafe, improper or impracticable to admit to its hospital. It shall have the power to collect fees for medical and surgical treatment and incidental expenses and to remit the same at its pleasure, and shall have the power to prescribe and enforce such regulations and adopt such by-laws as it may deem proper for the conduct of its affairs and for the management of its hospital, provided the same be not inconsistent with the laws of the United States and of this commonwealth.

5. The officers of the corporation shall be a president, a secretary, a treasurer, and such other officers as the corporation may appoint; and the corporation may, by its by-laws, provide for the appointment of a board of managers or a superintendent, to have general supervision of its hospital.

6. Meetings of the corporation shall be held annually at such times and places as the corporation may determine, and called meetings shall be held as provided by its by-laws. At all meetings members of the corporation shall be entitled to vote by proxy, and after it shall be fully organized five members shall constitute a quorum for the transaction of business.

7. The consolations of religion may be extended to the patients in the care of the corporation in whatever forms the patients may desire; but no influence shall be exerted within the hospital in the special interest of any particular religious sect or denomination.

8. This act shall be in force from its passage.

CHAP. 311.—An ACT to incorporate the Sons and daughters of Zion of the county of Louisa.

Approved February 13, 1896.

1. Be it enacted by the general assembly of Virginia, That John Seath, William Jackson, C. M Jackson, Nelson Harris, Randolph Winston, Cornelius Jackson, Waller Anderson, Frederick Yancey, and John Rollins, with such other persons as may be hereafter associated with them, and their successors, be, and they are hereby, constituted a corporation to be known as the Sons and daughters of Zion, of the county of Louisa, by which name they shall have perpetual succession and a common seal, which they may alter at pleasure; shall sue and be sued, and shall have and exercise all the rights, powers, and privileges pertaining to corporations under the laws of this commonwealth.

2. The object of the corporation shall be to care for the sick and bury the dead.

3. The corporation may acquire and hold property, real and personal, not to exceed five thousand dollars at any one time.

4. The officers of the corporation shall be a president, a secretary, a treasurer, and such others as the corporation may appoint or elect.

5. The place of business of said corporation shall be in the county of Louisa, and all the officers shall reside in said county.

6. Members of said corporation shall be received into it upon a vote of a majority of the members, and no member shall be expelled except by a two-third vote of the members present.

7. Each member of said corporation shall be required to pay to its treasurer twenty-five cents per month, and should a member be in default in the payment of his dues for sixty days he shall forfeit all rights of membership in said corporation, and shall not be re-instituted

until after the payment in full of such dues, with a penalty of ten per centum added, which penalty may be remitted by a vote of a majority of the members present.

8. Each member shall be entitled to receive from the treasurer one dollar per week for the first two weeks of sickness, fifty cents per week for two additional weeks, and thereafter twenty-five cents per week during sickness; and upon the death of a member the corporation shall pay to his family eight dollars for burial expenses, or it may bury its members at a cost not to exceed eight dollars.

9. Each member shall have one vote in the meetings of the corporation, and not less than fifteen members shall constitute a quorum, and no member shall be entitled to vote at any meeting of the corporation who is in default in the payment of his dues for sixty days.

10. The monthly dues, nor the payment to the sick, nor payment for burial, shall not be increased or diminished except by a two-third vote of the members.

11. General meetings of the corporation shall be held annually at such times and places as the corporation may determine, and a special meeting may at any time be called by the president; provided that notice of such meeting be given in person to the members or mailed to their address at least five days prior to such meeting.

12. The general assembly of Virginia reserves the right to alter, amend, or repeal this charter at pleasure.

13. This act shall be in force from its passage.

CHAP. 312.—An ACT to amend and re-enact section 164 of code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact section 164 of the code of Virginia, so as to allow fourth-class postmasters to act as notaries, approved February 15, 1894, so as to allow fourth-class postmasters to act as school trustees.

Approved February 13, 1896.

1. Be it enacted by the general assembly of Virginia, That section one hundred and sixty-four of the code of Virginia, as amended and re-enacted by an act approved February fifteenth, eighteen hundred and ninety-four, entitled an act to amend and re-enact section one hundred and sixty-four of the code of Virginia, so as to allow fourth-class postmasters to act as notaries, be amended and re-enacted so as to read as follows:

§ 164. Qualification of the preceding section.—The preceding section shall not be construed to prevent members of congress from acting as justices, visitors of the University and Virginia military institute, or from holding offices in the militia, or to exclude from office under this state on account of a pension from the United States, a person to whom such pension has been granted in consequence of a wound received in war, or to exclude from such office or post militia officers or soldiers on account of the recompense they

may receive from the United States when called out into actual duty, or be construed to prevent fourth-class postmasters from acting as notaries or school trustees.

2. This act shall be in force from its passage.

CHAP. 313.—An ACT to repeal an act entitled an act to incorporate the town of Mendota, in the county of Washington, approved December 19, 1839.

Approved February 13, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to incorporate the town of Mendota, in the county of Washington, approved December nineteenth, eighteen hundred and eighty-nine, be, and the same is hereby, repealed.

2. The officers of the town of Mendota, who may have unsettled accounts, shall settle the same under the supervision and direction of the board of supervisors of Washington county, who are hereby empowered and instructed to cause such settlements to be made; and any balances due said town in their hands shall be paid to the treasurer of the county of Washington.

3. The treasurer of the county of Washington shall also collect all levies or demands, payable to the town of Mendota, remaining unsettled at the time of the passage of this act.

4. Any debts of the said town unpaid and unprovided for shall be paid by any balances turned over to the county treasurer by the officers of said town, as above provided, upon warrants drawn under direction of the board of supervisors of Washington county, and by amounts collected by the county treasurer as above provided; and if there be any deficit in said amounts then a sum sufficient to pay such debts shall be levied upon the property within the present corporate limits of said town by the board of supervisors of Washington county, and by them applied to pay said debts.

5. Any balance of the funds of the town of Mendota, which may remain, if any, after satisfying its indebtedness, shall be applied by the board of supervisors of Washington county, in their best discretion, to the improvement of the streets or roads within the present limits of said town.

6. This act shall be in force from its passage.

CHAP. 314.—An ACT to incorporate the Home mutual insurance company of Virginia.

Approved February 13, 1896.

1. Be it enacted by the general assembly of Virginia, That H. S. Trout, R. H. Angell, P. L. Terry, Edward L. Stone, E. B. Jacobs. J. J.

Catogni and C. A. McHugh, together with such other persons as are, or may hereafter become, associated with them, shall be, and are hereby, constituted and made a body politic and corporate, by the name and style of the Home mutual insurance company of Virginia, and by that name and style shall have perpetual succession and the right to sue and be sued, plead and be impleaded, defend and be defended, in all courts, whether in law or in equity, and make and have a common seal, and alter and renew same at their pleasure, and shall have and enjoy all the rights, privileges and powers appertaining to corporate bodies and necessary to the purposes of this act.

2. The capital stock of this company shall be not less than forty thousand dollars, nor more than two hundred thousand dollars, divided into shares of one hundred dollars each. The company shall have power by its by-laws to provide the time and manner of the payment of the capital stock, and whether the same shall be in periodical installments or otherwise.

3. The board of directors of said company shall be elected at the annual meeting of the stockholders, and shall consist of such number (not less than five nor more than eleven), and serve for such time as the by-laws shall ordain and provide. The president, secretary, treasurer, manager and subordinate officers of the company shall be appointed and shall serve for such times as the by-laws may provide.

4. The said company shall have power and authority to make contracts and underwrite policies of insurance and indemnity against fire on all buildings, goods, wares, merchandise and other property liable to destruction or accident by or from fire, or the effects thereof, situate, lying, being or deposited in this state or elsewhere, at such rate of premium and upon such terms and conditions as may be fixed by the by-laws or may be agreed upon by the duly constituted officers of the company. The said company shall have the power and authority by its by-laws to provide for such participation by its policy-holders in the profits of its insurance business as may be deemed just and proper; and the company may purchase for its own benefit any policy of insurance or other obligation growing out of its business, and also any claims of policy-holders for profits.

5. The said company shall have the power and authority to invest its capital stock, moneys, or other funds, in bank or other stocks, in the purchase of bonds of this or any other state of the United States, and the bonds of any incorporated company; to purchase gold and silver coin or bullion, bills of exchange, notes, bonds, stocks and other evidences of debt; to purchase mortgages, deeds of trust, bills of sale, assignments and pledges on property, real or personal; to lend money upon any real and personal security, at such times, in such amounts and to such persons, as it may deem best, and to receive the interest therefor, and to take proper deeds of trust or mortgages to secure the same; and to sell, convey and encumber any property, real or personal, owned by it.

6. The said company shall have power and authority to hold such real estate as shall be necessary for the convenient conduct of its business, and to purchase and sell such real estate as may be ac-

quired by it in the due course of its business; but it shall not hold more than one million dollars' worth of real estate at any one time.

7. The stockholders of said company shall not be liable for any loss, damage or responsibility beyond the amount of the stock subscribed by them respectively; and the policy-holders of said company shall not be liable beyond the amount of the premium paid, or agreed to be paid, by them.

8. The principal office of said company shall be located in the city of Roanoke, Virginia, and the said company shall have the right to establish offices and advisory boards in any other county or cities of the state of Virginia for the transaction of its business.

9. The general assembly of Virginia reserves the right to alter, amend or repeal said charter at pleasure.

10. All taxes accruing to the state of Virginia under this charter shall be paid in money, and not in coupons.

11. This act shall be in force from its passage.

CHAP. 315.—An ACT to regulate the sale of goods marked "sterling," "sterling silver," or "coin silver," and to regulate the sale of merchandise made of gold.

Approved February 13, 1896.

1. Be it enacted by the general assembly of Virginia, That a person who makes or sells, or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, any article of merchandise, marked, stamped or branded with the words "sterling," or "sterling silver," or encased or enclosed in any box, package, cover or wrapper, or other thing in, by or which the said article is packed, enclosed, or otherwise prepared for sale or disposition, having thereon any engraving or printed label, stamp, imprint, mark or trade-mark, indicating or denoting by such marking, stamping, branding, engraving or printing that such article is silver, sterling silver, or solid silver, unless nine hundred and twenty-five one-thousandths part of the component parts of the metal of which the said article manufactured is pure silver, is guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred and fifty dollars, and, in default of payment, be confined in jail not less than ten nor more than sixty days, or both.

2. A person who makes or sells, or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, any article of merchandise marked, stamped or branded with words "coin" or "coin silver," or encased or enclosed in any box, package, cover or wrapper or other thing in, by, or which the said article is packed, enclosed or otherwise prepared for sale or disposition, having thereon any engraving or printed label, stamp, imprint, mark, or trade-mark, indicating or denoting by such marking, stamping, branding, engraving or printing that such article is coin or coin silver, unless nine hundred one-thousandths part of the component parts of the metal of

which the said article is manufactured is pure silver, is guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred and fifty dollars, and, in default of payment, be confined in jail not less than ten nor more than sixty days, or both.

3. Any person who makes or sells, or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, any article of merchandise made of gold of a less carat of fineness than is stamped or marked on it, or of a less carat of fineness than is engraved, printed, stamped or imprinted on the tag, card, box, label, package, wrapper, cover or other thing in, by, or which the said article is packed, enclosed or otherwise prepared for sale or disposition, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred and fifty dollars for such offence, and, in default of payment, be confined in jail not less than ten nor more than sixty days, or both.

4. This act shall be in force from its passage.

CHAP. 316.—An ACT to amend and re-enact section 3034 of the code of Virginia, with reference to the judgment of a court or judge trying a writ of habeas corpus.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty hundred and thirty-four of the code of Virginia be amended and re-enacted so as to read as follows:

§ 3034. The court or judge before whom the petitioner is brought, after hearing the matter, both upon the return and any other evidence, shall either discharge or remand him, as may be proper, and adjudge the costs of the proceeding, including the charge for transporting the prisoner, to be paid as shall seem to be right.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from April first, eighteen hundred and ninety-six.

CHAP. 317.—An ACT to relieve Mrs. Catherine Sweeny from effects of erroneous taxation for the years 1892, 1893, 1894, and 1895.

Approved February 18, 1896.

Whereas in the year eighteen hundred and ninety-two Catherine A. Sweeney became the purchaser of two certain lots of land, known as lots numbers four hundred and fifty-five and four hundred and fifty-six, in the plan of the city of Richmond, the same fronting to-

gether on south Eighth street, between Main and Cary streets, in said city, forty-seven and five-twelfths feet, and running back between parallel lines a depth of seventy-one and one-half feet; and,

Whereas an alley runs from said Eighth street in an easterly direction along the northern side of said lot its entire depth of seventy-one and one-half feet, giving to said lot a front both on said alley as well as on Eighth street as aforesaid; and,

Whereas, by an oversight of the assessors of state taxes for the year eighteen hundred and ninety-two and the three succeeding years, said lot was assessed, with the improvements thereon, as fronting on Eighth street, at ten thousand five hundred dollars, and the same lot, as fronting on said alley was assessed as worth eight thousand nine hundred and thirty-seven dollars, and the taxes due the state of Virginia thereon were respectively assessed at forty-nine dollars and fifty-six cents, and thirty-five dollars and seventy-five cents; and,

Whereas in the years eighteen hundred and ninety-two and eighteen hundred and ninety-three, said Catherine A. Sweeney paid both of said amounts to the state of Virginia; and,

Whereas since said year eighteen hundred and ninety-three, up to and including the year eighteen hundred and ninety-five said Catherine A. Sweeney has refused to pay the said taxes arising out of such double assessment, and the same has been returned delinquent for the years eighteen hundred and ninety-four and eighteen hundred and ninety-five; and,

Whereas in the assessment of taxes held according to law for the year eighteen hundred and ninety-six and the three succeeding years said tax assessors have corrected said error, and the said property now stands assessed as a whole at the sum of ten thousand five hundred dollars, and said assessors have admitted that the former assessment of said property, with the additional amount of eight thousand nine hundred and thirty-seven dollars, was erroneous—

1. Be it enacted by the general assembly of Virginia, That the auditor of the state of Virginia be, and he is hereby, directed to draw his warrant on the treasurer of the state of Virginia in favor of said Catherine A. Sweeney for the sum of seventy-one dollars and fifty cents, so as aforesaid paid by her for state taxes erroneously assessed on said lot for the years eighteen hundred and ninety-two and eighteen hundred and ninety-three, and the said treasurer is directed to pay the same out of any moneys not otherwise appropriated.

2. And be it further enacted by the general assembly of Virginia, That the clerk of the hustings court of the city of Richmond be, and he is hereby, directed to mark as satisfied all delinquent state taxes for said years eighteen hundred and ninety-four and eighteen hundred and ninety-five charged against said lot in the name of Catherine A. Sweeney, described as fronting on the alley aforesaid, which act, when so performed by him, shall operate as a release or conveyance to the said Catherine A. Sweeney, or her assigns, of any and all rights inuring to the state of Virginia by reason of its said lien on said lot, or by reason of any sale of the same on account of such

delinquent taxes arising out of such erroneous double assessment; provided that nothing in this act contained shall be held to prejudice the rights of any bona-fide purchaser, for value without notice, of such lot, or any part thereof, for either of said years prior to the passage of this act.

3. This act shall be in force from its passage.

CHAP. 318.—An ACT to amend and re-enact section 1492, code of Virginia, 1887 in relation to the attendance of children in public schools.

Approved February 13, 1896.

1. Be it enacted by the general assembly of Virginia, That section fourteen hundred and ninety-two, code of Virginia eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 1492. The public free schools shall be free to all persons between the ages of five and twenty-one years residing within the school district, and the board of education shall have power, and it shall be its duty, to make regulations whereby the children of one district may attend school in any adjoining district, either in or out of the county, but when there are one or more schools other than graded schools in the same school district, the attendance shall be upon the nearest school to the respective pupils, unless otherwise ordered by the district school board, and the cost of their tuition be drawn from funds pertaining to the district wherein they reside, in cases where no school has been located and opened in the district in which the said children reside and sufficiently near for them to attend the same, or, if located and opened, some unavoidable hindrance prevents their attendance; provided that white and colored persons shall not be taught in the same schools, but in separate schools under the same general regulations as to management, usefulness and efficiency.

2. This act shall be in force from its passage.

CHAP. 319.—An ACT to extend the time for collecting taxes in Roanoke city and Roanoke county.

Approved February 13, 1896.

1. Be it enacted by the general assembly of Virginia, That the county and city treasurers and deputies of Roanoke county and city, in this state, be, and they are hereby, allowed the further time of one year from the passage of this act to distrain for and collect all tax-tickets in their hands for the years eighteen hundred and ninety-two, eighteen hundred and ninety-three and eighteen hundred and

ninety-four and for which they have settled with the state, county and city authorities; provided, however, that none of said tax-tickets have been returned delinquent or insolvent.

2. This act shall be in force from its passage.

CHAP. 320.—An ACT for the relief of Sterling Willis, of Scott county, Virginia.

Approved February 14, 1896.

Whereas Sterling Willis was fined at the term of the county court of Scott county, Virginia, seventy-five dollars; and whereas the circuit court of Scott county has certified that the circumstances appeal strongly to the legislature for relief:

1. Be it enacted by the general assembly of Virginia, That Sterling Willis be, and he is hereby, released and discharged from the payment of the fine as assessed against him as aforesaid.

2. This act shall be in force from its passage.

CHAP. 321.—An ACT to have the boundaries of certain natural oyster beds, rocks and shoals, in Mathews county, surveyed, and plots made of the same.

Approved February 11, 1896.

Whereas decisions, rendered in the circuit court of Mathews county in various chancery suits, by which the boundaries of some of the natural oyster beds, rocks and shoals in Mobjack bay and Milford haven, as fixed by the geodetic survey, have been altered and changed; and

Whereas the changes and alterations so made by said court were based on the facts that Thomas J. Hudgins, oyster inspector in Mobjack bay, and W. G. Lane, oyster inspector in Milford haven, had made certain assignments of these rocks previous to February twenty-fifth, eighteen hundred and ninety-two, to certain parties, and parts of these said assignments were surveyed by the geodetic surveyor, and embraced within the survey and on the plots on file in Mathews county clerk's office; and

Whereas the court held that the assignments made by T. J. Hudgins in Mobjack bay and W. G. Lane in Milford haven were binding, and lines then established by said inspectors should be the proper lines; and

Whereas it is proper and right that the lines so decided by said court should be made permanent and fixed: now, therefore,

1. Be it enacted by the general assembly of Virginia, That the circuit court of Mathews county be, and is hereby, authorized and directed to have the lines *run and established* as were originally designated

and made by T. J. Hudgins, oyster inspector in Mobjack bay, and by W. G. Lane, oyster inspector in Milford haven, and to that end the court shall appoint three discreet citizens of Mathews county, who shall act as commissioners, to go on said oyster grounds and establish the lines in Mobjack bay as originally fixed by T. J. Hudgins, inspector, and establish the lines in Milford haven as originally fixed by W. G. Lane, inspector; and shall call in a competent surveyor to survey said lines, make maps and plots under the direction of said commissioners; said commissioners shall make their report, along with maps and plots, to the court.

2. On the hearing of the report of the commissioners, the court shall decide and make such an *order* as to it seems right; and the order of the court, the report of the commissioners, and the maps and plots, shall have the same force and effect, and be placed on the same footing in any suit or controversy, as the report, surveys, maps or plots *now* have, made by the geodetic survey in pursuance of the acts of assembly, February twenty-ninth, eighteen hundred and ninety-two, and all acts amendatory thereof, and now on file in the clerk's office of Mathews county.

3. The costs incurred under this act shall be paid by the commonwealth of Virginia, by an order of the circuit court of Mathews county, certified to the auditor of public accounts of Virginia for payment, to be paid out of any funds in the treasury not otherwise appropriated. The commissioners shall receive two dollars per day for their services, and the court shall fix a reasonable fee for the surveyor.

4. This act shall be in force from its passage.

CHAP. 322.—An ACT to amend and re-enact section 4144 of the code of Virginia, entitled record to be kept of conduct of convicts; to have credit for good conduct.

Approved February 11, 1896.

1. Be it enacted by the general assembly of Virginia, That section forty-one hundred and forty-four of the code of Virginia, entitled record to be kept of conduct of convicts; to have credit for good conduct, be amended and re-enacted so as to read as follows:

§ 4144. Record to be kept of conduct of convicts; to have credit for good conduct; *record of punishment, and so forth, of convicts; inspection of same.*—The superintendent shall keep a record of the conduct of each convict, and for every month that a convict appears by such record to have faithfully observed the rules and requirements of the prison, and not to have been subjected to punishment, there shall, with the consent of the governor, be deducted from the term of service of such convict four days. *Every time any convict is punished the name of the offender, the offence, a full and detailed description of the punishment, the time when the offence was committed, and when punishment inflicted shall be recorded in a register provided for the pur-*

pose. Said register shall be monthly inspected by the board of directors of the penitentiary and examined and reported upon bi-ennually by a joint committee of the general assembly.

2. This act shall be in force from its passage.

CHAP. 323.—An ACT to protect game in the county of Fairfax.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to kill or capture any deer, wild turkey, woodcock, pheasants (or ruffed grouse), Mongolian pheasants, squirrels, rabbits (or hares), in the county of Fairfax from the date of the passage of this act until the first day of January, eighteen hundred and ninety-eight, or to offer for sale any deer, wild turkeys, woodcock, pheasants (or ruffed grouse), Mongolian pheasants, squirrels, rabbits (or hares), so unlawfully killed or captured in said county within the aforesaid period; provided, however, that nothing herein shall be construed as prohibiting the killing or capturing of rabbits with traps or dogs from the first day of November to the first day of January.

2. Any person violating this act shall be deemed guilty of a misdemeanor, and fined not less than five nor more than twenty dollars for each offence, and imprisoned in jail until such fine be paid, not exceeding thirty days.

3. In any prosecution of a person for a violation of this act the proof of the possession of any of the game hereinbefore enumerated shall be prima facie evidence of guilt.

4. All acts or parts of acts inconsistent with this act are hereby repealed.

5. This act shall be in force from its passage.

CHAP. 324.—An ACT to revive, amend and re-enact an act entitled an act to incorporate the Portsmouth, Smithfield and Western railway company, approved March 2, 1892, as amended by an act entitled an act to amend and re-enact sections 1, 10, and 12 of an act entitled an act to incorporate the Portsmouth, Smithfield and Western railway company, approved March 2, 1892, and to add an independent section thereto, approved March 2, 1894.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to incorporate the Portsmouth, Smithfield and Western railway company, approved March second, eighteen hundred and ninety-two, as amended by an act entitled an act to amend and

re-enact sections one, ten, and twelve of an act entitled an act to incorporate the Portsmouth, Smithfield and Western railway company, approved March second, eighteen hundred and ninety-two, and to add an independent section thereto, approved March second, eighteen hundred and ninety-four, be revived, amended, and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That William G. Maupin, junior, and T. J. Barlow, of the city of Portsmouth, Virginia; John T. Griffin and R. H. Norfleet, of Norfolk county, Virginia; P. D. Gwaltney and R. S. Thomas, of Isle of Wight county, Virginia; Doctor G. W. Butts and R. B. Hodsden, of Nansemond county, Virginia, their associates, successors, and assigns, be, and they are hereby, declared a body politic and corporate by the name of the Portsmouth, Smithfield and Western railway company, for the purpose of locating, constructing, equipping, maintaining, and operating a railway from some suitable point on the western side of the Elizabeth river, in or near the city of Portsmouth, Virginia, through the counties of Norfolk, Nansemond, Isle of Wight, Prince George, Surry, Chesterfield, and so much of the county of Henrico as is necessary to reach the city of Richmond by bridging the James river above the head-waters of navigation with the consent of the authorities of the city of Richmond.

§ 2. Said company may use steam, electricity, or other motive power, and may build its road by such route as it may deem most advantageous and expedient, and shall have the right to cross any navigable stream on its route, provided a draw sufficient not to impede navigation is placed in its bridges over said streams; and shall have further right to construct, equip, and maintain branch tracks, not to exceed twenty-five miles each in length, which shall have all the rights of way and powers, and shall be subject to the same restrictions as the main line; and said company may connect or unite its said road with that of any other company or companies, or consolidate and merge its stock, property, and franchises with those of any other companies operating or authorized to operate a connecting line of railroad upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging, or consolidating, and for that purpose power is hereby given to it and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connections, merger, or consolidations.

§ 3. The said company may acquire title in the mode prescribed by law to a continuous line of land, not exceeding one hundred feet in width, and such additional lands as may be necessary for the use of said roads and tracks, and for the yards, buildings, and works of said company. And it shall be lawful for said company to acquire in subscription to the capital stock of said company, or by donation, money, land, or other property, labor, work, material, bonds, and other means available for that purpose, and to receive subscriptions from individuals, other companies, associations, or corporations; and the said company may sell, lease, or otherwise dispose of any lands or other properties acquired under this section; provided this sec-

tion shall not be construed as to authorize said company to acquire by purchase in any county or corporation more land than is necessary for the operating of said company as a common carrier.

§ 4. Said company shall have the right to cross at grade, over or under, intersect, join, or unite its railway with any other railway now built or constructed, or hereafter to be built or constructed, at any point on its route upon the grounds of such railway company, with necessary turnouts, sidings, switches and other conveniences in furtherance of the objects of its construction; provided that said company shall not be permitted to cross the tracks of the Norfolk-Carolina railroad within its yard limits, or where more than a double crossing shall be required.

§ 5. It shall be lawful for any incorporated company to aid in the construction of said railway, and for that purpose may acquire the bonds and stock of said company, and the said company may run, use, or operate, by lease or otherwise, and may connect or consolidate with any other railway or transportation company upon such terms as may be agreed upon.

§ 6. Said company shall have perpetual succession and a common seal, which it may renew or alter at pleasure, and may sue and be sued, plead and be impleaded, contract and be contracted with, and make ordinances, by-laws and regulations, not inconsistent with this act or the laws of this state, for the government of its officers and agents and the proper conduct of its affairs.

§ 7. The capital stock of said company shall not be less than five thousand dollars, nor more than one hundred thousand dollars, divided into shares of one hundred dollars each. In all meetings of the stockholders each share shall entitle its holder to one vote. Any city, town, county or corporation, except the city of Norfolk, may subscribe to the capital stock of said company in the manner and under the restrictions prescribed by the statutes of Virginia.

§ 8. It shall be lawful for said company to borrow money to such an amount as its board of directors may deem necessary and proper, and to issue for any loan debenture bonds of the said company, bearing interest at such rates per annum as the said board of directors may determine; and to secure the payment of such loan or loans said company may execute one or more mortgages or deeds of trust upon the whole or any part of its property, real, personal or mixed, its charter rights, franchises and income.

§ 9. The corporators herein mentioned shall have the power and authority of a president and board of directors for the purpose of organization of said company, and for all other purposes, and until a president and board of directors shall be selected at the stockholders' meeting; and said meeting shall be held as soon as the minimum capital stock shall have been subscribed, and after such notice as the said corporators may deem necessary and proper.

§ 10. The said company shall commence work under this act within two years from the first day of July, eighteen hundred and ninety-six, and complete the construction of the road within five years thereafter, otherwise this act shall be null and void.

§ 11. Said company shall pay all its taxes and other demands

against it due the state in current money of the United States, and not in coupons.

§ 12. John T. Griffin, R. H. Norfleet and T. J. Barlow, or any two of them, may constitute a commission to open books and accept subscriptions to the capital stock of said company.

2. This act shall be in force from its passage.

CHAP. 325.—An ACT to amend and re-enact sections 5 and 20 of an act entitled an act to incorporate the town of Berkley, in the county of Norfolk, approved March 8, 1890.

Approved February 12, 1896.

1. Be it enacted by the general assembly of Virginia, That sections five and twenty of an act entitled an act to incorporate the town of Berkley, approved March third, eighteen hundred and ninety, be amended and re-enacted so that said sections shall hereafter be as follows:

§ 5. The said council shall have power to pass all by-laws and ordinances for the proper government of said town not in conflict with the constitution and laws of this state or the constitution and laws of the United States, and in addition thereto they shall have power to make such special ordinances, by-laws, orders and regulations to carry out the following powers: First, to close, extend, widen, narrow, lay out, grade, improve and otherwise alter the streets and public highways in said town and have them properly lighted and kept in good order, and to make and construct sewers and ducts through the streets or public highways and grounds of the town, and to prevent or remove any structure, obstruction or encroachments over or under or in a street or alley or any sidewalk thereof; second, to require real estate owners in the improved and unimproved sections of the town to bear an equitable proportion of the expense of constructing suitable sidewalks in front of such property, and to levy annually such taxes as it may deem necessary for the purposes of said town, which shall not exceed seventy-five cents on the one hundred dollars' valuation of property as per state assessment.

§ 20. The council of said town shall have power to borrow money for the purpose of permanent improvements of said town by the issue and sale of bonds of said town: provided the aggregate amount so borrowed shall not exceed the sum of fifty thousand dollars. Said bonds shall be registered, shall state the purposes for which they are issued, shall be issued in such denominations as the council may prescribe, and shall bear interest not to exceed six per centum per annum, and shall be exempt from all town taxation. The said bonds shall be made payable not later than thirty years from date, and may be made redeemable at any time after fifteen years from date. Said bonds shall be signed by the president of the council of said town and countersigned by the recorder, under the corporate

seal of said town, and shall be sold and negotiated in such manner as the said council may prescribe: provided that said bonds shall not be sold for less than their par value. The council shall provide for the payment of the accruing interest on said bonds by setting aside a sufficient amount from the levy provided for in section five. The internal improvements to be made in said town shall be under the general control and management of an improvement board, which shall consist of three electors, who shall be freeholders of said town. They shall be elected by the council bi-ennially for the term of two years. The members of the first board shall be elected prior to the first day of June, eighteen hundred and ninety-six, and their term shall begin on the first day of June, eighteen hundred and ninety-six, and shall continue for two years, and until their successors are elected and qualified. They shall qualify as other officers, and shall give such bonds as the council may determine. They shall select from among themselves a chairman, who shall be the business manager of the board, and shall receive such compensation for his services as the council may determine upon. Said board shall manage the affairs and business pertaining to all internal improvements, subject to the approval of the council, employ labor, receive proposals and award contracts, and enforce such rules and regulations as they may adopt or as may be prescribed by law or the ordinances of the town. The said board shall not be members of the council, and are prohibited from being interested in any way with the contracts which may be made.

2. This act shall be in force from its passage.

CHAP. 326.—An ACT to amend and re-enact section 3515 of the code of Virginia in relation to fees of officers.

Approved February 14, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-five hundred and fifteen of the code of Virginia be amended and re-enacted so as to read as follows:

§ 3515. How and when fee bills made out: to be produced before payment is compelled: what to show when paid in advance: constructive fees defined: penalties for illegal demands: how fee bill quashed.—No person shall be compelled to pay any fees before mentioned for services already performed until there be produced to him a fee bill signed by the officer to whom the fees are due expressing the particulars for which such fees are charged; nor shall such officer be compelled to perform any service unless his fees if demanded be paid or tendered, or otherwise satisfactorily secured him, except in criminal cases, and in the case of persons suing, as provided by section thirty-five hundred and thirty-eight. And where bills are made out for services to be performed there shall be mentioned the nature of the service and the fact that it is to be performed. No

officer shall, for any service, make out a fee bill for more than is allowed therefor or charge full fees to more than one party for the same service; but in such case the payment of the fees by any party shall be a satisfaction for such service, nor shall any officer charge a constructive fee, nor shall he for the same service attempt to obtain payment a second time or make out a fee bill a second time, unless he endorse the fact and swear that the former bill remains unpaid.

"Constructive fees" shall be construed to include fees for services not actually rendered, or for copies not actually furnished the party at his request, or for services which inure to the benefit of more than one person, and have already been charged to or paid by another.

If any officer violate any of the provisions of this section he shall forfeit five dollars to any person prosecuting therefor. The circuit or county court of a county, or circuit or corporation court of a corporation, in which an officer resides, may, on motion, after reasonable notice to him, quash any fee bill made out by him contrary to law.

2. This act shall be in force from its passage.

CHAP. 327.—An ACT to amend an re-enact section 2197 of code of Virginia, 1887, relating to burial of hogs and fowls that die from contagious disease.

Approved February 14, 1896.

1. Be it enacted by the general assembly of Virginia, That section two thousand one hundred and ninety-seven of the code of Virginia, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 2197. The owner of hogs or fowls that die from contagious disease shall burn them or bury them under ground as soon as practicable after their death; and if he fail to do so, any justice, after notice to the owner, if he can be ascertained, may cause any such dead animals or fowls to be buried or burned by a constable, or other person to be designated for such purpose, the costs of which shall be paid by the owner.

Any person violating any of the provisions of this act shall be fined not exceeding five dollars for each offence.

CHAP. 323.—An ACT to amend and re-enact section 4 of an act entitled an act to provide for the establishment of a high school at Bedford City, and to take the sense of the qualified voters of the Municipal and Liberty districts of Bedford county thereon, approved January 23d, 1896.

Approved February 14, 1896.

1. Be it enacted by the general assembly of Virginia, That section four of an act entitled an act to provide for the establishment of a high school at Bedford City, and to take the sense of the qualified voters of the Municipal and Liberty districts of Bedford county thereon, approved January twenty-three, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

§ 4. The board of managers shall, on or before the first day of July of each year, file with the county superintendent of schools an estimate showing the amount of money needed for the pay of teachers in said high school for the next school year; and also an estimate for the amount necessary to provide buildings, furniture, apparatus, fuel and other necessary expenses of said high school; and it shall be the duty of the board of supervisors of Bedford county to make such levy on the property of the Municipal and Liberty school districts, including Bedford City, and on said roads, telegraphs and telephones lying within said districts and Bedford City, as may be necessary to provide buildings, furniture, apparatus, fuel and other necessary expenses; provided that such levy shall not exceed five cents on the hundred dollars of value of such property.

2. This act shall be in force from its passage.

CHAP. 329.—An ACT to amend and re-enact sections 17 and 18 of an act entitled "an act to provide a new charter for the town of Waverly," approved February 29, 1892, and to validate certain taxes and assessments levied and imposed by the council of said town.

Approved February 14, 1896.

1. Be it enacted by the general assembly of Virginia, That sections seventeen and eighteen of an act entitled "an act to provide a new charter for the town of Waverly," approved February twenty-ninth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 17. For the execution of its powers and duties the council of said town is empowered and may raise by taxes annually, as provided in section eleven of said act, approved February the twenty-ninth, eighteen hundred and ninety-two, and by imposing annually a license tax upon any or all businesses on which the state imposes a license tax, or which is provided by law, and by imposing a tax on dogs, drays, wagons, carts, snack-venders, hacks, and other wheel vehicles, and shooting galleries, such sums of money as it may deem

necessary to defray the expenses of the town, and in such manner as it may deem expedient.

2. And the clause of said section seventeen providing, in terms, that the council of said town shall have power to impose a license tax upon all business upon which the state imposes a license tax, having, by inadvertence in drawing the act approved February twenty-ninth, eighteen hundred and ninety-two, been so worded as to cause some to question the authority of said council to impose such license taxes, be it further enacted, that all levies of taxes upon real and personal property, and all license taxes heretofore assessed and imposed by the council of the town of Waverly prior to and including the year eighteen hundred and ninety-five, shall be, and they are hereby, declared valid and legal and binding in all respects upon said town and all persons interested therein, and all property affected thereby, and that all acts done and proceedings taken prior to and including the year eighteen hundred and ninety-five, under the ordinances of said town, providing for the levying, assessment, and collection of town taxes and assessments, including license taxes for the privilege of transacting any business in said town, be, and the same are hereby, declared to be legal and binding in all respects whatsoever, and shall have the same full force and effect, both in law and equity, as they would have had if such inadvertence had not happened in drawing said act approved February twenty-ninth, eighteen hundred and ninety-two, and the said section seventeen of said charter had been amended and re-enacted in the same words as the same is hereinbefore set out and amended and re-enacted.

§18. Where, by the provisions of this act, the council has authority to pass ordinances upon any subject, it may prescribe any penalty not to exceed one hundred dollars' fine, or imprisonment not to exceed ninety days, or both, and may provide that upon failure to pay fine and costs, or either, the offender may be imprisoned in jail of said town, or in jail of Sussex county, in the discretion of the mayor of said town, and the offender may be worked upon the streets and alleys of said town until such fine and costs are paid, reserving to the person convicted the right to appeal to the county court of Sussex county in every case where the fine exceeds the sum of ten dollars or the imprisonment exceeds thirty days. But the mayor of said town shall not adopt the jail of said town, under the provisions of this act, until the same shall have been inspected and approved by the board of health of said town.

3. All acts and parts of acts in conflict with this act are hereby repealed.

4. This act shall be in full force and effect from and after its passage.

CHAP. 330.—An ACT to protect deer, partridges (quail), song birds, wild turkeys, squirrels, hares and wild ducks in the county of King William.

Approved February 14, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to kill, capture or chase with dogs any deer in the county of King William for a period of two years from the passage of this act, and at the expiration of two years it shall be unlawful to kill or capture, or chase with dogs, any deer between the first day of February and the fifteenth day of the following November.

2. It shall be unlawful to kill or capture, or destroy the eggs of any mocking bird, brown thrush or sandy mocking, cat bird, goldfinch, or any other song bird in the county of King William at any time.

3. It shall be unlawful to kill or capture any wild turkey between the first day of February and the first day of November, or destroy the eggs of same at any time, or to kill or capture any hare or rabbit between the first day of February and the first day of November, and it shall be unlawful to kill or capture any wild ducks in the marshes of said county by means of artificial lights at any time after dark.

4. Any person violating any of the provisions of this act shall be deemed to be guilty of a misdemeanor, and upon conviction thereof be fined not less than five nor more than ten dollars for the first offence, and not less than ten nor more than fifty dollars for a repetition of the offence.

5. This act shall be in force from its passage.

CHAP. 331.—An ACT to amend and re-enact an act entitled "an act for the protection of game in Frederick county," approved February 23d, 1894.

Approved February 14, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled "an act for the protection of game in Frederick county," approved February twenty-third, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 1. That it shall be unlawful for any person to kill or capture any deer between December fifteenth and the fifteenth day of September of each year, or to chase or run deer with dogs of any kind at any time.

§ 2. Or to kill or capture, or offer for sale, or to buy any partridges (or quail) between the fifteenth day of December and the first day of November of each year, or any pheasants (or ruffed grouse), or wild turkeys between the first day of January and the first day of November of each year, or any woodcock between the first day of

February and the first day of July of each year, or any Japanese, Mongolian, or ring-necked pheasant before the first day of November, eighteen hundred and ninety-eight.

§ 3. Or at any time to kill or capture any of the species of game or game birds herein above enumerated by trapping or netting, or at any time to take the eggs of any of said game birds, or to intentionally destroy the eggs or nests of the same.

§ 4. Any person violating the provisions of section one of this act in relation to deer shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty dollars nor more than sixty dollars, and may, in the discretion of the court or jury, be confined in the county jail not less than thirty nor more than fifty days, and any person violating the provisions of any other section of this act shall be deemed guilty of a misdemeanor and fined not less than ten dollars for the first offence, and for each subsequent offence the fine shall be doubled. In any prosecution of a person for the violation of any of the preceding sections proof of the possession by any such party of any such game or game birds during the prohibited time shall be prima facie evidence of his guilt.

§ 5. It shall be unlawful at any time for any person to carry, send, transport, or ship, dead or alive, game or game birds of any kind to any point outside the county in which the same is killed, and any one violating the provisions of this section shall be fined not less than ten dollars for the first offence and for each subsequent offence the fine shall be doubled; provided that for any stage line, railroad, or express company receiving such game or game birds for shipment or transportation the fine shall be fifty dollars. Upon a conviction under this section one-half the fine shall go to the informer. Nothing in this section shall be construed to apply to the shipment or transportation of rabbits or hares.

§ 6. Any magistrate of the city or county wherein any offence under this act is committed shall have concurrent jurisdiction with the corporation or county court of all violations thereof.

§ 7. Nothing in this act shall be construed to interfere with the laws now in force in regard to the killing or capturing of birds and animals not named or embraced in this act.

§ 8. This act shall apply only to Frederick county.

§ 9. All acts and parts of acts in conflict with this act are hereby repealed.

§ 10. This act shall in no way be construed as repealing as to Frederick county an act entitled an act to prevent the extermination of partridges (or quail) in the state of Virginia, approved January twenty-seven, eighteen hundred and ninety-six.

2. This act shall be in force from its passage.

CHAP. 332.—An ACT to amend and re-enact section 3960 of the code of Virginia with reference to bail in criminal cases, when allowed and by whom.

Approved February 14, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-nine hundred and sixty of the code of Virginia be amended and re-enacted so as to read as follows:

§ 3960. A justice before whom a person is charged with an offence not punishable with death or confinement in the penitentiary, or of which, if it be so punishable, only a light suspicion of guilt falls on him, may, pending the examination before him, or upon committing such person for trial admit him to bail. If the offence be so punishable, and there is good cause to believe such person guilty, he shall not be let to bail, by any justice; nor shall any person in jail under an order of commitment be admitted to bail by any justice except the one committing him, nor in a less sum than was required by said order. But a court, or the judge thereof in vacation, in which any person is held and to be tried for a criminal offence, may, upon motion before said court, or upon petition to the judge thereof in vacation hear testimony and admit such person to bail before conviction; and when such petition is filed before such judge in vacation he shall at once order the said person to be brought before him that he may hear the petition for bail. If bail be refused or excessive bail be required of said person by a county court, or the judge thereof in vacation, then upon petition by the said person to the circuit court of the county in which he is held for trial, or to the judge thereof in vacation the said circuit court, or the judge thereof in vacation, shall at once make an order requiring said person to be brought before said court or judge in order that a motion may be made to admit him to bail, and upon such motion the said court or judge shall hear testimony and admit him to bail or remand him to jail. If a circuit court or a judge thereof in vacation refuses to admit said person to bail, or require excessive bail, then the supreme court of appeals, or any one judge thereof in vacation, upon petition of the said person, shall at once order him to be brought before said court or judge in order that a motion may be made to admit him to bail, and upon such motion the said supreme court of appeals, or judge thereof in vacation, shall hear testimony and admit him to bail or remand him to jail. If bail be refused or if excessive bail be required of such person by a corporation court, or the judge thereof in vacation, then the supreme court of appeals or any one judge thereof in vacation, upon the petition of said person shall at once order him to be brought before said court, or judge in vacation, in order that a motion may be made to admit him to bail, and upon such motion the said court, or judge in vacation, shall hear testimony and admit him to bail or remand him to jail. No other court or judge shall admit a person accused of a criminal offence to bail, otherwise than is hereinbefore provided, except that such person may be admitted to bail under section thirty-nine

hundred and sixty-one of the code of Virginia, and except also that when such person is held for trial in a county court, and the said court is not in session, and the judge thereof is sick or absent from his county, then the proceedings to secure bail which would have been proper as hereinbefore stated before such court or judge thereof in vacation, shall be allowed before the county court, or the judge thereof in vacation, of any county adjoining the one in which said person is held for trial; and except also, that when such person is held for trial in a corporation court, and said court is not in session, and the judge thereof is sick or absent from his city, then the proceedings to secure bail which would have been proper as hereinbefore stated before such court, or the judge thereof in vacation, shall be allowed before the nearest corporation court or the judge thereof, in vacation, to the city in which such person is held for trial; and except also, that when such person may be admitted to bail by a circuit court, or the judge thereof in vacation, as hereinbefore provided, and said court be not in session, and the judge thereof is sick or is absent from his circuit, then the same proceedings to secure bail which would have been proper as hereinbefore provided before said circuit court, or the judge thereof in vacation, shall be allowed before the circuit court, or the judge thereof in vacation of any circuit adjoining the one in which such person is held for trial. In either of the three last excepted cases the court, or the judge thereof in vacation to whom petition is made, shall at once order said person held for trial to be brought before said court, or judge, and upon motion, shall hear testimony and admit him to bail or remand him to jail.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force on and after the first day of April, eighteen hundred and ninety-six.

CHAP. 333.—An ACT allowing Joseph Fudge, treasurer of Alleghany county, further time to distrain, levy, and collect certain tax tickets and license taxes for which he has accounted to the state.

Approved February 14, 1896.

1. Be it enacted by the general assembly of Virginia, That Joseph T. Fudge, treasurer of Alleghany county, be allowed the further time of one year from the passage of this act in which to distrain and levy for and collect any uncollected tax tickets and levies in his hands not returned delinquent and for which he has accounted to the state for the years eighteen hundred and ninety-one to eighteen hundred and ninety-three, inclusive.

2. This act shall be in force from its passage.

CHAP. 334.—An ACT to impose a tax on collateral inheritances and regulate the collection of same.

Approved February 14, 1896.

1. Be it enacted by the general assembly of Virginia, That where any estate within this commonwealth of any decedent shall pass under his will, or the laws regulating descents and distributions, to any other person or for any other use than to or for the use of the grandfather and grandmother, father, mother, husband, wife, brother, sister, or lineal descendant of such decedent, the estate so passing shall be subject to a tax of five per centum on every hundred dollars value thereof.

2. The personal representatives of such decedent shall pay the whole of such tax, except on real estate, to sell which or to receive the rents and profits of which he is not authorized by the will, and the sureties in his official bond shall be bound for the payment thereof.

3. Where there is no personal estate or the personal representative is not authorized to receive the rents and profits of the real estate, the tax shall be paid by the devisee or devisees, or those to whom the estate may descend by operation of law.

4. Such payment shall be made to the treasurer or other collector of the taxes assessed in the county or corporation in which certificate was granted such personal representative for obtaining probate of the will or letters of administration.

5. The treasurer or collector shall apply for such tax, and when it is paid, give therefor duplicate receipts, one of which shall be lodged with the clerk of the court in which certificate may have been granted for obtaining probate of the will or letters of administration. The clerk shall record such receipt in the book wherein he records appraisements and accounts of sales of decedent's estates; and he shall forthwith transmit a copy thereof to the auditor of public accounts. The other receipt shall be delivered to the assessor or commissioner of the revenue for the county or corporation, who, on such delivery, shall make a copy thereof, at the foot of which he shall sign an acknowledgment that it is a copy of a receipt which has been delivered to him, stating the date of the delivery. Such copy shall be delivered to the personal representative or party who paid the tax, and who shall pay therefor to the assessor or commissioner of the revenue a fee of fifty cents. Every clerk, assessor, or commissioner to whom any such receipt is delivered shall forthwith transmit a copy thereof to the said auditor. Every personal representative or other party or officer failing in any respect to comply with this section shall forfeit one hundred dollars.

6. Any personal representative, devisee or person to whom the estate may descend by operation of law failing to pay such tax before the estate on which it is chargeable is paid or delivered over (whether he be applied to for the tax or not) shall be liable to damages thereon at the rate of ten per centum per annum from the time

such estate is paid or delivered over until the tax is paid, which damages may be recovered, with the tax, on motion, against him in the said court in the name of the commonwealth. Such estate shall be deemed paid or delivered at the end of a year from the decedent's death, unless and except so far as it may appear that the legatee or distributee has neither received such estate nor is entitled then to demand it.

7. This act shall be in force from its passage.

CHAP. 835.—An ACT to amend and re-enact an act approved March 7th, 1894, entitled an act to amend and re-enact an act entitled an act to protect game in the county of King and Queen, approved January 31, 1890.

Approved February 14, 1896.

1. Be it enacted by the general assembly of Virginia, That an act approved March seventh, eighteen hundred and ninety-four, entitled an act to amend and re-enact an act entitled an act to protect game in the county of King and Queen, approved January thirty-first, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That it shall not be lawful for any person to shoot, kill or capture wild turkey in the county of King and Queen from the first day of February to the first day of November of each year; that it shall not be lawful for any person to shoot the woodcock in the county of King and Queen from the first day of February to the first day of July each year; that it shall not be lawful for any person to shoot, kill or capture the summer or wood duck in the county of King and Queen from the first day of February to the first day of August of each year; that it shall not be lawful to chase, shoot, kill or capture deer in the county of King and Queen from the first day of January to the thirty-first day of August of each year; and it shall not be lawful for any person to shoot or capture sora in the county of King and Queen from November fifteenth to September first each year.

§ 2. Any person violating the provisions of this act shall be fined not less than ten nor more than twenty dollars, or imprisonment until the fine be paid.

2. This act shall be in force from its passage.

CHAP. 336.—An ACT to amend and re-enact an act entitled an act for the protection of fish in Pig river and Blackwater, approved February 27, 1894.

Approved February 14, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act for the protection of fish in Pig river and Blackwater, approved February twenty-seventh, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to take fish from Pig river, Blackwater or their tributaries, in Franklin county, with hack or fall traps, fish berries, or dynamite. Any one violating this act, upon conviction thereof, shall be fined not less than ten nor more than twenty dollars.

2. This act shall be in force from its passage.

CHAP. 337.—An ACT in reference to compensation of supervisors of Lee county, Virginia.

Approved February 14, 1896.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and forty-eight of the code of Virginia of eighteen hundred and eighty-seven, as amended by an act entitled an act to amend and re-enact section eight hundred and forty-eight of chapter thirty-six of the code of Virginia, in relation to the compensation of supervisors, approved March fifth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 848. Compensation of supervisors.—Each member of the board of supervisors shall be allowed and paid out of the county levy a compensation for his services and expenses in attending the meetings of the board at the rate of three dollars per diem for the time he actually attended, and five cents for each mile travelled in going to and returning from the place of meeting; but no per diem allowance shall be made for any time occupied in travelling where mileage is allowed therefor; provided that but one mileage shall be allowed for any one term of meeting of such board, and no supervisor shall be allowed to draw pay for more than ten days' attendance in any year except in the counties of Warren, Rockingham and Shenandoah, where no supervisor shall be allowed to draw pay for more than fifteen day's attendance in any one year; provided, further, that the supervisors of the counties of Scott, Wise, Buchanan, Floyd, Russell and Bland shall each receive an allowance of only ten dollars per day for attendance, but not to exceed ten days in one year.

2. This act shall be in force from its passage.

CHAP. 338.—An ACT to prohibit the running at large of horses, colts, and hogs on the Valley turnpike, in the counties of Rockingham and Shenandoah.

Approved February 14, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for horses, colts, or hogs to run at large upon the Valley turnpike, in the counties of Rockingham and Shenandoah, and the owner or owners of said animals who shall permit such animals to run at large as aforesaid shall be guilty of a misdemeanor, and, upon conviction thereof before a justice of the peace, shall be fined not less than one nor more than five dollars for each offence; provided, however, this act shall not apply to hogs which have fastened to the snout wire or steel rings.

2. This act shall take effect from and after the first day of April, eighteen hundred and ninety-six.

CHAP. 339.—An ACT to protect fish in the York, Mattaponi and Pamunkey rivers by preventing fishing with any fixed device in said rivers, except gill stake-nets in water over certain depths, and to amend and re-enact an act, approved March 2, 1894, entitled an act to protect fish in the Mattaponi, Pamunkey and York rivers.

Approved February 14, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to protect fish in the Mattaponi, Pamunkey and York rivers, and to repeal an act, approved March third, eighteen hundred and eighty-six, entitled an act to protect fish in the Mattaponi and Pamunkey rivers, approved March second, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person, firm or corporation to fish with a pound-net, fyke-net, weir, or any other fixed device or trap, except the device known as the gill stake-net, in water more than twenty-two feet deep at low water in the York river below Gloucester Point, or in water more than ten feet deep at low water in any other part of York river (the mouth of York river in construing this act shall mean a line drawn from the Back river lighthouse to York Spit lighthouse, and thence to the lower end of Guinea marshes), or water more than six feet deep at low water in the Mattaponi river below Walkerton ferry, nor in water of any depth above Walkerton ferry, or in water more than six feet deep at low water in the Pamunkey river below White House bridge, or in water of any depth above White House bridge. And any person violating the provisions of this act shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars for the first offence, and may, in the discretion of the court or jury, be confined

in the county jail not exceeding twelve months, and upon every conviction the offender shall forfeit all nets, seines, fixed devices, boats and other tackle used in violating the provisions of this act.

§ 2. It shall not be lawful for any person, firm or corporation to take or catch fish with a purse-net in the York river above a line drawn from Drum Point below the mouth of Poquoson river, in York county, to the outer headland of Guinea marshes, in Gloucester county.

It shall be the duty of the sheriffs and constables of any county and the sergeant of any city or town to appear before the grand jury of the counties bordering on any of the rivers aforesaid having jurisdiction, at the regular session thereof, and give information as to any violation of this act, or to report any offender against this act to a justice of said county, to be dealt with according to law.

§ 3. This act shall not be construed as amending or repealing the provisions of any general law not in conflict with this act.

§ 4. All acts or parts of acts in conflict herewith, except as provided in section two of this act, are hereby repealed.

2. This act shall be in force from its passage.

CHAP. 340.—An ACT for the relief of John R. Read, late treasurer of Northampton county.

Approved February 14, 1896.

Whereas John R. Read, late treasurer of Northampton county, has in his hands various tax tickets for which he has accounted to the state and county; therefore,

1. Be it enacted by the general assembly of Virginia, That the said John R. Read, late treasurer, as aforesaid, and his deputies, shall have the same power of levy and distress as is now possessed by treasurers under the revenue laws; shall have one year from the passage of this bill to collect the uncollected tax tickets not returned insolvent or delinquent now in his hands and for which he has accounted for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, and eighteen hundred and ninety-four.

2. This act shall be in force from its passage.

CHAP. 341.—An ACT to allow the treasurer of Washington county additional time to levy and collect tax-tickets held by said treasurer and not returned delinquent.

Approved February 14, 1896.

Whereas S. M. Withers, treasurer of Washington county, has in his hands various tickets for taxes and levies, both state and county,

for the years eighteen hundred and ninety-one, eighteen and ninety-two and eighteen hundred and ninety-three which have not been returned delinquent and insolvent, and for which he has accounted to the auditor of public accounts and the county authorities; therefore,

1. Be it enacted by the general assembly of Virginia, That authority is hereby given the said S. M. Withers and his deputies to collect the amount due upon said tickets for taxes and levies, and they shall have the power of levy and distress for the same that treasurers now have under the present law, and that this power be extended for the period of one year from the passage of this act.

2. This act shall be in force from its passage.

CHAP. 342.—An ACT to allow William Mayo, late treasurer of Westmoreland county, and his deputy, further time to collect tax-tickets now in their hands.

Approved February 14, 1896.

1. Be it enacted by the general assembly of Virginia, That William Mayo, late treasurer of Westmoreland county, and his deputy, shall have until the first day of January, eighteen hundred and ninety-seven, to collect by distress and levy all the tax-tickets not returned delinquent or insolvent, still remaining in the hands of himself and deputy uncollected for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, and eighteen hundred and ninety-four, as taxes are now distrained for and collected. Nothing in this act to be construed as releasing said Mayo from a prompt settlement with the board of supervisors of Westmoreland county and the state of what may be due by said Mayo.

2. This act shall be in force from its passage.

CHAP. 343.—An ACT to incorporate the Virginia state firemen's association.

Approved February 14, 1896.

1. Be it enacted by the general assembly of Virginia, That E. W. Sullivan, Harrisonburg; C. E. Murden, Portsmouth; C. W. Sykes, Danville; C. D. Carter, Charlottesville; S. Gordon Cummings, Hampton; Charles H. Hardy, Winchester; W. C. C. Vanneman, Clifton Forge; S. S. Peterson, Staunton; W. K. Stowe, Newport News; Charles T. Bland, Portsmouth; L. Lookabill, Roanoke; E. J. Grimes, Norfolk county; Dennis Brown, Staunton; Walter Line-weaver, Harrisonburg; O. B. Roller, Harrisonburg; O. L. Morrisette, Berkley; E. A. Critzer, Waynesboro; J. Edward Deaver, Lexington;

A. P. Funkhouser, Harrisonburg; J. T. Houck, Harrisonburg; W. T. Davis, Phœbus; C. H. Wilkinson, Bedford City; W. J. Quinn, Roanoke; W. J. Weymouth, Hampton; George G. Cummings, Portsmouth; N. F. Reid, Danville, and their associates and successors in office be, and they are hereby, constituted and made a body corporate and politic under the name and style of the Virginia state firemen's association, and by that name shall have perpetual succession, and be capable in law to hold and dispose of property, real and personal, to sue and be sued, complain and defend, in any court of law or equity; to have and use a common seal and alter and renew the same at pleasure; to make and adopt a constitution and by-laws for the government of said body corporate and its affairs, provided the same shall not conflict with the constitution and laws of this state or of the United States; to elect officers and directors, and generally to do every other act or thing to carry into effect the provisions of this act or to promote the object and designs of the said corporation.

2. The objects and purposes of this corporation shall be to form a more perfect organization among the volunteer firemen of Virginia; to establish harmony of action; to provide pecuniary support in cases where firemen have been injured while in the performance of their duty; to insure prosperity and success; to promote the best interests of the volunteer firemen of Virginia; to encourage the cultivation of fraternal fellowship; to promote the formation of fire companies in towns and villages in the state that are now without adequate protection from fires; to compile statistics of information concerning the practical working of various systems and the merits of various apparatus in use for the extinguishing of fires.

3. The volunteer fire companies and veteran volunteer firemen's association of the state of Virginia, composing the membership of this corporation, shall annually elect a president, a senior vice-president, one vice-president for each volunteer fire company or veteran association, a recording secretary, and a treasurer; and that the president shall annually appoint five persons to act as the executive committee, who, together with the other officers named, shall have the general management of the affairs of the corporation.

4. The said corporation hereby formed shall have full power to receive subscriptions, donations, devises, and bequests of money, or real or personal property, in trust or otherwise, and to purchase or otherwise acquire and hold such property, to be applied by it to objects of its incorporation, not to exceed the sum of twenty thousand dollars.

5. W. J. Weymouth, president; George G. Cummings, secretary; and N. F. Reid, treasurer, who, together with the incorporators named above, shall manage the affairs of the association until its next annual meeting.

6. This act shall take effect from the date of its passage.

CHAP. 344.—An ACT to amend and re-enact section 862, code of Virginia, 1887, entitled treasurer's annual settlement with supervisors; to deliver books, &c., to successor.

Approved February 17, 1896.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and sixty-two of the code of Virginia be amended and re-enacted so as to read as follows:

§ 862. Treasurer's annual settlement with supervisors; to deliver books, &c., to successor.—He shall receive the county levy in the manner prescribed for the receipt of the state revenue, and shall, at the July meeting of the board of supervisors, or within sixty days thereafter, settle with said supervisors his account for that year; and out of the balance shown to be in his hands upon said settlement he shall at once pay all warrants drawn on the levy for that year not previously paid in the order of their presentation, as provided by section eight hundred and fifty-nine, and when his term of office expires, or if he die, resign, or be removed from office, he, upon the expiration of his term of office, resignation or removal, or his personal representative upon his death, shall immediately make such settlement, showing the amount in his hands to be accounted for, and the fund to which the same belongs, and deliver to his successor all bonds, books and papers belonging to his office, and all money belonging to the county.

2. This act shall be in force from its passage.

CHAP. 345.—An ACT to incorporate the Virginia telephone manufacturing company.

Approved February 17, 1896.

1. Be it enacted by the general assembly of Virginia, That J. R. Kemper, S. H. D. Freed and W. A. Freed, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Virginia telephone manufacturing company, and by that name shall be known in law, and shall have perpetual succession, and have the power to sue and be sued, plead and be impleaded, defend and be defended, in all courts, whether in law or in equity; and may make and have a common seal, and alter and renew the same at pleasure; and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the purpose of this act, and may make by-laws, rules and regulations consistent with the existing laws of the state for the government of all under its authority, the management of its estates and properties, and the due and orderly conduct of its affairs.

2. The capital stock of said corporation shall not be less than five

hundred dollars, and may, with the consent of a majority of its stockholders, be fixed at and increased from time to time to any additional amount not exceeding five thousand dollars by the issue or sale of shares, the par value of which shall not be less than ten dollars, upon such terms and conditions and under such regulations as the board of directors of said company shall prescribe; and the directors may receive land, materials, services or other valuable thing, in payment or exchange for such issues or sale of capital stock, at such valuation and on such terms and conditions as may be fixed by them; and the stock of the corporation so issued shall, for all purposes, be treated as paid for at par in money, without liability thereon to pay any calls or assessments on account thereof, except as may be agreed.

3. Said corporation is authorized and empowered to manufacture, buy, sell or exchange telephones of any and all makes, or any part or parts thereof; to construct and operate telephone lines at any point in the state of Virginia; to manufacture, put up and operate key-boards, switches, or any of the parts of a telephone exchange, at any point in said state, with power to said corporation to purchase, hold, use, sell, mortgage and dispose of the real estate in the due conduct of its business, not to exceed fifty acres at any one time.

4. The persons first named in this act shall be held sufficient to constitute a corporation under the laws of Virginia, shall constitute the first board of directors of said corporation, shall have the right to organize the same, and shall continue in office until the first meeting of the stockholders thereof.

5. The board of directors shall appoint one of their number president, and may fill any vacancy that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever the board of directors shall have elected a president, and the minimum amount of capital stock herein named shall have been issued or sold, said corporation shall be considered legally organized, and may proceed to the transaction of business. The board shall appoint, to hold during its pleasure, the subordinate officers and agent of the said corporation, prescribe their compensations, and take from them such bonds, with security, as they may deem fit.

6. The board of directors may establish offices and agencies at such place as they may deem proper, but the principal office of the corporation shall be located at Fishersville, Virginia.

7. It shall be lawful for said corporation to issue and sell its bonds from time to time for such sums and on such terms as the board of directors may deem expedient and proper in the prosecution of its business, and may secure the payment of said bonds by mortgage or deeds of trust upon all or any portion of its property or franchises, including its franchise to be a corporation; and it shall be lawful for said corporation to subscribe for, or acquire by purchase, exchange, or otherwise, the shares and bonds of any corporation or association of this state or elsewhere; and for any corporation or association of this state or elsewhere to acquire, guarantee, or hold the shares and bonds of the said corporation.

8. No stockholder in said corporation shall be held liable or made responsible for its debts and liabilities than a larger or further sum than the amount of any unpaid balance due to the said corporation upon his stock, according to the terms of the issue or sale thereof.

9. The general assembly reserves the right to amend, alter or repeal this charter at pleasure; provided that nothing in this act shall be construed to allow the use of the streets, avenues, or alleys of the city of Norfolk, Lynchburg, Richmond and Portsmouth until the consent of the councils of the said cities be first obtained.

10. All taxes and debts due or to become due the state of Virginia by the corporation shall be paid in lawful money of the United States, and not in coupons.

11. This act shall be in force from its passage.

CHAP. 346.—An ACT to authorize the board of public works to accept certain bonds in payment of the indebtedness of Emory and Henry college to the commonwealth of Virginia.

Approved February 17, 1896.

Whereas by an act approved March fourth, eighteen hundred and ninety, the board of public works was authorized to employ an agent to sell certain lands conveyed to said board for the use of the commonwealth of Virginia by the authorities of Emory and Henry college; and

Whereas Honorable W. F. Rhea was appointed by said board as such agent, and sold said lands to Emory and Henry college, taking for deferred payments of the purchase price thereof two bonds executed by authorities of said college for the sum of three thousand three hundred and thirteen dollars each, with interest from fourth of April, eighteen hundred and ninety-one; and

Whereas by reason of the failure of the bank of Abingdon the said college lost a considerable sum of money which had been deposited for the purpose of paying on said purchase-money bonds, the said college has been unable to pay off said bonds, there still being due thereon about the sum of seven thousand seven hundred dollars; and

Whereas the authorities of said Emory and Henry college desiring to concentrate and consolidate all its indebtedness, have issued thirty-six thousand dollars in coupon bonds, dated October first, eighteen hundred and ninety-five, due and payable twenty years after date, with interest payable annually on the first day of October of each year, said bonds being secured by deed, dated October first, eighteen hundred and ninety-five, executed to trustees, conveying in trust all the real estate owned by said college, consisting of about five hundred acres of valuable land and the buildings thereon, said bonds having been accepted by a large majority of the creditors of said college in payment of their debts; provided that all costs and

expenses incurred in making the settlement shall be borne by Emory and Henry college; therefore

1. Be it enacted by the general assembly of Virginia, That the board of public works is hereby authorized and directed to accept from the authorities of Emory and Henry college seven thousand dollars of said twenty-year coupon bonds in full satisfaction of said purchase-money bonds executed for the land sold the said college by W. F. Rhea, agent of the board of public works.

2. On delivery of said seven thousand dollars in bonds to the board of public works by the authorities of Emory and Henry college a deed shall be executed and delivered to the said college for the lands sold it by W. F. Rhea, agent, as provided in chapter fifty-eight of the code of Virginia, and the board of public works shall deliver to the college authorities the purchase-money bonds now held by said board.

3. This act shall be in force from its passage.

CHAP. 347.—An ACT to authorize the board of supervisors of Middlesex county to increase the salary of the county judge.

Approved February 17, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board of supervisors of Middlesex county to increase the salary of the judge of the county court of said county to a sum not exceeding five hundred dollars per annum, and such increased salary shall be paid out of the county levy, as provided by law.

2. This act shall be in force from its passage.

CHAP. 348.—An ACT to amend and re-enact section 7 of chapter 3 of an act entitled an act to provide a new charter for the town of Graham, in the county of Tazewell, approved February 29, 1892.

Approved February 17, 1896.

1. Be it enacted by the general assembly of Virginia, That section seven of chapter three of an act to provide a new charter for the town of Graham, in the county of Tazewell, approved February twenty-ninth, eighteen hundred and ninety-one, acts of assembly of eighteen hundred and ninety-one and eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 7. The town council is empowered to acquire lands, either within or without the corporate limits of said town, to be used as a place, or places, for the burial of the dead, to be conveyed to said town in its corporate name. The said council shall also have power to prescribe

and enforce all needful rules and regulations, not inconsistent with the laws of the state, for the use, protection, and ornamentation of the cemetery; to set aside, at their discretion, by metes and bounds, a portion thereof for the interment of strangers and the indigent poor; to divide the remainder into burial lots, and sell or lease the same in the corporate name of said town, and in its corporate name to execute all proper deeds or other writings in evidence thereof, through its mayor, attested by its secretary; and to prescribe what class or condition of persons shall be admitted to interment in the cemetery. The money from such sale or lease of burial lots shall be invested, used, and employed for the use, protection, preservation, and ornamentation of said burial-ground. No cemetery shall be thus located for the use of said town within one hundred yards of any residence without the consent of the owner or occupier of said residence. The said grounds, when established and enclosed, shall be exempt from state, county, and municipal taxation.

2. This act shall be in force from its passage.

CHAP. 349.—An ACT prescribing the pay of the harbor master of Carter's creek, in Lancaster county.

Approved February 17, 1896.

1. Be it enacted by the general assembly of Virginia, That the county court of the county of Lancaster be, and is hereby, empowered to allow by its order a sum not exceeding seventy-five dollars in payment for services performed during the year eighteen hundred and ninety-five by the harbor master for Carter's creek, Lancaster county.

2. The said court is also empowered by its order to allow annually hereafter to such harbor master a sum not exceeding seventy-five dollars.

3. Whenever such allowance is made the board of supervisors of said county shall issue its proper warrant, drawn upon the treasurer of said county, for the payment of same.

4. This act shall be in force from its passage.

CHAP. 350.—An ACT to repeal an act entitled an act for the better protection of game in Nansemond county, relative to killing of rabbits or hares.

Approved February 17, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act for the better protection of game in the county of Nansemond, approved February twenty-first, eighteen hundred and ninety-four, be, and the same is, hereby repealed.

2. This act shall be in force from its passage.

CHAP. 351.—An ACT to protect sub-contractors, supply men and laborers.

Approved February 17, 1896.

1. Be it enacted by the general assembly of Virginia, That no assignment or transfer of any debt, or any part thereof, due or to become due to a general contractor by the owner for the construction, erection or repairing of any building, structure, or railroad for such owner, shall be valid or enforceable in any court of law or equity by any legal process, or in any other manner, by the assignee of any such debt, unless and until the claims of all sub-contractors, supply men and laborers against such general contractor for labor performed and materials furnished in and about the construction, erection and repairing of such building, structure or railroad shall have been satisfied; provided that if such sub-contractors, supply men and laborers shall give their assent in writing to such assignment, it shall be thereby made valid as to them, but the payment or appropriation of such assignment by the owner without such assent in writing shall not protect such owner from the demands of such sub-contractors, supply men and laborers to the extent of such assignment.

2. No debt or demand, or any part thereof, due or to become due by the owner of any building, structure or railroad to a general contractor for the construction, erection or repairing of such building, structure or railroad, shall be subject to the payment of any debt or the lien of any judgment, writ of fieri facias or any garnishee proceeding obtained or sued out upon any debt due such general contractor which shall have been contracted in any other manner or for any other purpose than in the construction, erection or repairing of such building, structure or railroad for such owner unless and until the claims due by such general contractor to all sub-contractors, supply men and laborers for materials furnished and labor performed in and about the construction, erection or repairing of such building, structure or railroad shall have been paid.

3. All acts and parts of acts in conflict with this act are hereby repealed.

4. This act shall be in force from its passage.

CHAP. 352.—An ACT for extending the time for collection of certain taxes and levies by the treasurer of Fluvanna county and his deputies.

Approved February 17, 1896.

Whereas Thomas E. Cowherd, treasurer of Fluvanna county, has in his hands various tickets for taxes and levies for the state, county and district uncollected for which he has settled with auditor, and due since eighteen hundred and ninety-one, and prior to eighteen hundred and ninety-four: therefore,

1. Be it enacted by the general assembly of Virginia, That authority is hereby given to said Thomas E. Cowherd, treasurer as aforesaid, and his deputies, to collect the amount due upon said tickets for taxes and levies, and the said treasurer and his deputies shall have the same power of levy and distress for the same that treasurers now have under the present revenue laws, and that this power be extended for one year from the passage of this act.

2. This act shall be in force from its passage.

CHAP. 353.—An ACT for extending the time for collection of certain taxes and levies by the treasurer of Goochland county and his deputies.

Approved February 17, 1896.

Whereas R. N. Turner, treasurer of Goochland county, has in his hands various tickets for taxes and levies for state, county and district uncollected and due since eighteen hundred and ninety-one, and prior to eighteen hundred and ninety-four; therefore,

1. Be it enacted by the general assembly of Virginia, That authority is hereby given to said R. N. Turner, treasurer aforesaid, and his deputies to collect the amount due upon said tickets for taxes and levies for which he has accounted to the state and county, and the said treasurer and his deputies shall have the same power of levy and distress for the same that treasurers now have under the present revenue laws, and that this power be extended for one year from the passage of this act.

2. This act shall be in force from its passage.

CHAP. 354.—An ACT to amend and re-enact section 1 of an act entitled "An act to require the board of supervisors of Alexandria county to tax the sale of ardent spirits and malt liquors in said county," approved March 7, 1894.

Approved February 17, 1896.

1. Be it enacted by the general assembly of Virginia, That section one of an act approved March seventh, eighteen hundred and ninety-four, entitled an act to require the board of supervisors of Alexandria county to tax the sale of ardent spirits and malt liquors in said county, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Alexandria county be, and they are hereby, directed and required to assess a specific license tax annually of *two hundred and fifty dollars* for the privilege of selling wine, ardent spirits, malt liquors, or any mixture thereof, in said county for the same privileges, upon the same conditions, and subject to the same

limitations and restrictions as are now or may hereafter be provided by law for the assessment of the state tax for the sale of wine, ardent spirits, malt liquors, or any mixture thereof.

2. This act shall be in force from its passage.

CHAP. 355.—An ACT to allow J. N. Eason, of Norfolk county, further time in which to collect certain tax-tickets in his hands not returned delinquent.

Approved February 17, 1896.

1. Be it enacted by the general assembly of Virginia, That J. N. Eason, late deputy treasurer of Norfolk county, be allowed the further time of eighteen months within which to distrain and levy for and collect any uncollected tax-tickets still in his hands for the years eighteen hundred and eighty-nine, eighteen hundred and ninety, eighteen hundred and ninety-one, eighteen hundred and ninety-two, and eighteen hundred and ninety-three, not returned delinquent, for which he has accounted to the proper authorities.

2. This act shall be in force from its passage.

CHAP. 356.—An ACT to prescribe the times for holding the circuit courts of the Sixth judicial circuit since the addition thereto of the counties of Amherst and Nelson, as provided by an act approved February 5, 1896.

Approved February 17, 1896.

1. Be it enacted by the general assembly of Virginia, That the circuit court of the several counties composing the Sixth judicial circuit shall be held at the following times in each year: Albemarle county, on the first day of February, the tenth of May, and the tenth of October; Nelson county, on the first day of March and the first day of September; Culpeper county, on the fifteenth day of March, the fifteenth day of June, and the fifteenth day of November; Goochland county, on the first day of April and the tenth day of September; Fluvanna county, on the tenth day of April and the twentieth day of September; Madison county, on the twentieth day of April and the first day of October; Orange county, on the first day of May and the twenty-fifth day of October; Amherst county, on the twenty-fifth day of May and the twenty-fifth day of November; Greene county, on the fifth day of June and the fifth day of November.

2. The judge of the said circuit court may, by an order made in term time or in vacation, designate one of the three annual terms aforesaid for Albemarle county and for Culpeper county at which no trial shall be had of any issue at law triable by a jury in a civil

case, unless specially set for hearing at such term by an order at a previous term.

3. All acts or parts of acts inconsistent with this act are hereby repealed.

4. This act shall be in force from its passage.

CHAP. 357.—An ACT to incorporate the Interstate railroad company.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That J. S. Wentz, R. A. Ayers, John Leisenring, J. K. Taggart and W. C. Kent, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Interstate railroad company.

2. That said company shall have perpetual succession, and the power to adopt by-laws, and alter and amend the same at pleasure; to contract and be contracted with; sue and be sued, defend and be defended, in all courts, whether at law or in equity; and may have a common seal, and alter and renew the same; and shall have and possess and enjoy all other rights, powers and privileges now allowed, or which may hereafter be allowed, by the laws of this state to railroad corporations generally, not inconsistent with the provisions of this act.

3. That said company is authorized and empowered to locate, construct, operate and maintain a line of railroad from a point at or near Moccasin Gap, in Scott county, Virginia, through Lee and Wise counties, Virginia, to a point in Lee or Wise counties on the state line between Kentucky and Virginia; and also to locate, construct, operate and maintain such branch railroad or railroads from the said main line within the counties of Scott, Lee, Wise and Washington as it may from time to time deem expedient; and also to locate, construct, operate and maintain such railroad or railroads within the said county of Wise along Powell's river or the waters thereof as it may, from time to time, deem necessary for the accommodation of the public, or to connect with any other railroad that is now or hereafter may be constructed in or to any of said counties.

4. That said company is further authorized to acquire, by lease or purchase, equip, maintain and operate the railroad recently constructed by the Virginia coal and iron company from a point near the mouth of Callahan creek, in Wise county, up said creek a distance of about six (6) miles to the coal mines at Stone Gap; and for the purpose of connecting the said last named railroad, or any other line it may build in Wise county with Moccasin Gap, the said Interstate railroad company may acquire by lease or purchase, maintain and operate such part of the South Atlantic and Ohio railroad or other railroad as may subserve that end; and may also connect any line which it may construct or acquire with any other railroad

which is now, or which may hereafter be, located and constructed in any of the said counties of Lee, Scott, Wise or Washington.

5. That said company may operate its said railroad or railroads with steam or electricity or such other motive power as it may deem best.

6. That said company may acquire, either by donation, purchase or condemnation proceedings, all such lands and materials as it may need for right of way, depots, stations, freight yards, and other railroad purposes.

7. That the capital stock of the said company shall be fifty thousand dollars, but may be increased at any time or times by vote of the stockholders to any sum not exceeding one million dollars. Said capital stock shall be divided into shares of the par value of one hundred dollars each, and subscriptions to such stock may be paid in money or in labor or property, real or personal, to be taken at such valuation as the directors of said company may agree upon. At all stockholders' meetings the stockholders shall be entitled to one vote for each share of stock registered in their names, respectively.

8. That said company is authorized and empowered to acquire the stock or bonds of other companies or corporations, and may likewise sell and dispose of its own stock and bonds to other companies and corporations as well as to natural persons.

9. That said company is authorized and empowered to borrow money from time to time for any of its legitimate purposes, and may secure the payment thereof by execution and delivery of its bonds secured by mortgage or deed of trust upon all or any portion of its railroad and other property and franchises, including its franchise to be a corporation.

10. That said company may enter into such contracts for the sale, lease, or operation of its road or for the purchase, lease, or operation of other roads in the counties of Lee, Scott, Wise, or Washington as may be found necessary or expedient as well as in respect to any other property that may be found necessary or convenient for its purposes, or may consolidate or merge its stock, property and franchises with those of any company operating or authorized to operate a connecting line of railroad, not a competing line, upon such terms as may be agreed upon by the board of directors of the companies so uniting or consolidating; and for that purpose power is hereby given to it and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connection, merger or consolidation; provided that a copy of every such contract of consolidation and merger be filed in the office of public works.

11. That J. S. Wentz, R. A. Ayers, John Leisenring, J. K. Taggart, and W. C. Kent shall constitute the board of directors of said company until their successors shall have been elected and qualified, which election shall be held at the first meeting of the stockholders of said company after the same shall have been organized. Said directors shall have power to elect a president of said company, and to elect or provide for the election or appointment of other subordi-

nate officers of said company; and shall have, also, all other powers usually vested in the directors of corporations by the laws of this state, subject to any limitations which the stockholders of said company may lawfully place upon such powers.

12. Whenever fifty thousand dollars shall have been subscribed to the capital stock of said company, and the board of directors shall have elected a president thereof, said company shall be considered legally organized and may proceed to the transaction of business.

13. The first meeting of stockholders of said company shall be called by said board of directors at such time and place as it may appoint, provided the time selected be not longer than one year after the organization of said company; and all annual meetings of stockholders thereafter shall be at such time and place as the stockholders may by their by-laws prescribe.

14. The chief office of said company shall be in Wise county, Virginia, but said company may have such other offices at such other places, either within or without this state, as the directors may from time to time determine. The work of construction shall begin within two years, and be completed within five years.

15. No stockholder of said company shall be held or made responsible for the debts of said company in any larger or further sum than the amount of any unpaid balance due on his subscription to the capital stock thereof.

16. All taxes due or to become due by said company to the commonwealth of Virginia shall be paid in lawful money of the United States, and not in coupons.

17. This act shall be in force from its passage.

CHAP. 358.—An ACT providing for the transfer to the credit of the commonwealth of the balance of the interest which accumulated on the direct tax fund in the hands of the state depositories after paying any unpaid expenses in connection therewith.

Approved February 18, 1896.

Whereas in pursuance of the provisions of an act of the general assembly of Virginia, entitled "an act for the distribution among those entitled to the direct tax money donated by the United States government," approved March third, eighteen hundred and ninety-two, the direct tax fund was by authority of the governor placed upon deposit in the state depositories, and certain interest accrued thereon while the same was in such depositories, which interest, under the provisions of said act of March third, eighteen hundred and ninety-two, became applicable to the payment of the expenses incurred under the said act; and

Whereas the said interest so accruing from the said state depositories has been more than sufficient to pay the expenses incurred and there now remains in the hands of the treasurer of the state a balance

of such interest, amounting to two thousand one hundred and twelve dollars and twenty-eight cents, as shown in his last report; therefore,

1. Be it enacted by the general assembly of Virginia, That the said balance in the hands of the treasurer, subject under the act aforesaid to the control of the governor, be by order of the said governor turned into the current balance to the credit of the commonwealth in the hands of said treasurer; but before turning the same in the governor shall provide for and pay out of the said balance any unpaid expenses incurred in executing the trusts created in the said act of March third, eighteen hundred and ninety-two, including such compensation as may be just and reasonable to any such clerk or official as may have been or may hereafter be charged with the duty of keeping and settling the accounts of the county treasurers and commissioners in respect to the said direct tax funds in their hands, which accounts were by the said act directed to be kept and settled in the governor's office.

2. This act shall be in force from its passage.

CHAP. 359.—An ACT for the relief, under conditions, of William Mayo, late treasurer of Westmoreland county, and his sureties, to the extent of payment of interest in excess of six per cent.

Approved February 18, 1896.

Whereas a judgment was obtained in the circuit court of the city of Richmond on the thirteenth day of December, eighteen hundred and ninety-five, for the sum of two thousand eight hundred and fifty-nine dollars and ninety-two cents, principal and interest, the same being the balance due the commonwealth of Virginia, on account of the revenue of eighteen hundred and ninety-four, by said William Mayo, principal, and Robert M. Mayo, I. C. Thrift, B. H. Branson, W. H. Courtney, B. E. Courtney, C. H. Sanford and William C. Marmaduke, sureties on the official bond of William Mayo, late treasurer of Westmoreland county; and

Whereas execution has been issued and levy made upon the personal and real property of said Mayo and his sureties by the sheriff of Westmoreland county, which judgment is for the amount aforesaid, together with the costs and interest, interest running at fifteen per centum; and

Whereas the said Mayo has, since the obtaining of said judgment, paid the sum of one thousand dollars on said judgment; and

Whereas the commonwealth is amply secured, and cannot possibly sustain any loss by said Mayo: therefore,

1. Be it enacted by the general assembly of Virginia, That should the said Mayo or his sureties pay to the auditor the amount of balance due by said Mayo on or before the first of April, eighteen hundred and ninety-six, with interest at rate of six per centum on

same from date of obtaining said judgment, and all court costs, then the said Mayo and his sureties shall be relieved from the payment of any interest in excess of six per centum.

2. This act shall be in force from its passage.

CHAP. 360.—An ACT for the protection of deer and wild turkeys in the counties of New Kent and Charles City.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to kill or capture in any way, or offer for sale or buy wild turkeys in the counties of Charles City and New Kent between the first day of February and the first day of October in each year, or to take or destroy the eggs of wild turkeys at any time in said counties. And it shall be unlawful for any person to kill, capture, offer for sale or buy any deer in the counties of Charles City and New Kent, or to chase any deer in said counties, with intent to kill the same, between the fifteenth day of January and the fifteenth day of September of each year.

2. Any person violating this act shall be deemed guilty of a misdemeanor, and be fined not less than ten dollars nor more than twenty dollars or be confined in jail not more than thirty days.

3. In any prosecution of a person for a violation of this act proof of the possession of any such wild turkey, wild turkey eggs, or deer shall be prima facie evidence of his guilt.

4. All acts and parts of acts in conflict with this act are hereby repealed.

5. This act shall be in force from its passage.

CHAP. 361.—An ACT to repeal an act entitled an act relating to the unlawful hunting of deer in the county of Charles City, approved February 7, 1894.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That the act entitled an act, relating to the unlawful hunting of deer in the county of Charles City, approved February seventh, eighteen hundred and ninety-four, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 362.—AN ACT to provide for the protection of domestic animals, and to authorize and empower the board of control of the experiment station of the Virginia agricultural and mechanical college at Blacksburg to establish live stock quarantine lines, rules, and regulations, and to prescribe penalties for violating the same.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the board of control of the experiment station of the Virginia agricultural and mechanical college at Blacksburg to protect the domestic animals of this state from all contagious or infectious diseases of a malignant character, whether said diseases exist in the state or elsewhere, and for this purpose they are hereby authorized and empowered to establish, maintain, and enforce such quarantine lines and sanitary rules and regulations as they may deem necessary. It shall also be the duty of said board to co-operate with live stock quarantine commissioners and officers of other states and territories, and with the United States secretary of agriculture in establishing such interstate quarantine lines, rules, and regulations as shall best protect the live stock industry of this state against Texas or splenic fever. It shall be the duty of said board, upon receipt by it of reliable information of the existence among the domestic animals of the state of any malignant disease, to cause the veterinarian employed at said experiment station to go at once to the place where any such disease is alleged to exist and make a careful examination of the animals believed to be affected with any such disease, and ascertain, if possible, what, if any, disease exists among the live stock reported to be affected, and whether the same is contagious or infectious; and if said disease is found to be of a malignant, contagious or infectious character they shall direct and enforce such quarantine lines and sanitary regulations as are necessary to prevent the spread of any such disease. And no domestic animal infected with disease, or capable of communicating the same, shall be permitted to enter or leave the district, premises or grounds so quarantined, except by authority of the said board or its veterinarian. The said board shall also from time to time give and enforce such directions and prescribe such rules and regulations as to separating, feeding, and caring for such diseased and exposed animals as they shall deem necessary to prevent the animals so affected with such disease, or capable of communicating disease, from coming in contact with other animals not so affected. And the said board and its veterinarian are hereby authorized and empowered to enter upon any grounds or premises to carry out the provisions of this act.

2. When the said board shall have determined the quarantine lines and other regulations necessary to prevent the spread among domestic animals of this state of any malignant, contagious or infectious disease found to exist among the live stock of this state or elsewhere, and given their orders as hereinbefore provided, prescribing quarantine and other regulations, they shall notify the governor of the state, who shall issue his proclamation, pro-

claiming the boundary of such quarantine around such diseased stock, and the orders, rules and regulations prescribed by the board; and said board shall give such notice as to it may seem best to make the quarantine established by them effective.

3. The said board shall have power to carry into full effect all orders by them given, as hereinbefore provided, and the expense incurred by it shall be paid out of the treasury of the state on warrants drawn by the chairman of said board; provided that no expense shall be incurred except such as may be necessary to carry into effect the necessary quarantine and other regulations prescribed by said board. And said board shall have the power to direct the veterinarian employed at said experiment station to assist it in the investigation of the diseases amongst the live stock of this state whenever they may deem his services necessary; provided that no compensation shall be paid said veterinarian other than his actual expenses while engaged in such duties.

4. When the said board shall have good reason to believe that the health of the live stock of the state is endangered by the existence of contagious and infectious diseases in certain localities in other states, territories or counties, or that there are conditions which render such domestic animals from such infected districts liable to convey such disease, they shall notify the governor, who shall by proclamation prohibit the importation of any live stock of the kind diseased into the state, unless accompanied by a certificate of health given by a properly authorized veterinarian, and all such animals arriving in this state shall be examined immediately by a veterinarian designated by the board, and if in his opinion there is any danger from contagion or infection, they shall be placed in close quarantine at the expense of the owner until such danger of infection or contagion is passed, when they shall be released by order of the said veterinarian.

5. It shall be the duty of the railway corporations doing business in the state to cleanse and disinfect the cars used by them in transporting live stock in or through this state at such times and places, and in such manner as the board may designate, whenever, in the opinion of the board, any such order may be necessary to prevent the spread of infectious or contagious disease. Any such corporation violating the provisions of this section shall be liable to a penalty of five hundred dollars for each offence, to be recovered in a civil action to be prosecuted under the direction of the attorney-general in the name of the commonwealth of Virginia.

6. Any railroad company, navigation company, or other corporation or common carrier, who shall knowingly or willfully violate, disregard or evade any of the rules or directions of the board or veterinarian, establishing or governing quarantine, or who shall evade, or attempt to evade, any quarantine proclamation of the governor of this state declaring quarantine limits, upon conviction thereof shall be fined not less than five hundred dollars nor more than five thousand dollars for each and every offence, and shall be liable for all damages caused to any live stock by its failure to comply with the requirements of this act.

7. It shall be the duty of any owner or person in charge of any domestic animal or animals, who discovers, suspects, or has reason to believe that any of his domestic animals, or domestic animals in his charge, are affected with any contagious or infectious disease, to immediately report such fact, belief or suspicion to the said board and to the chairman of the board of supervisors of the county in which said domestic animals are found.

8. The board of supervisors of each county, whenever any cases of contagious or infectious diseases are reported to them in their county, shall immediately investigate the same. The investigation may be by the board or any member thereof, or by the employment of a qualified veterinarian; and should such investigation show a reasonable probability that a domestic animal is affected with a contagious or infectious disease, the supervisors shall immediately establish such temporary quarantine as may be necessary to prevent the spread of the disease, and report all action taken to the said board of control of experiment station of the Virginia agricultural and mechanical college at Blacksburg, or some member thereof; and the acts of the supervisors establishing temporary quarantine shall have the same force and effect as though established by the board of control itself until such time as the said board of control shall take charge of the case or cases. All expenses incurred by the supervisors in carrying out the provisions of this act shall be paid in like manner as other expenses incurred by said supervisors in the discharge of their official duties.

9. Any person who shall knowingly bring into this state any domestic animal which is infected with any contagious or infectious disease, or any animal which has been exposed to any contagious or infectious disease, or which bears upon its body fever-ticks or other germs or causes of disease, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five hundred nor more than five thousand dollars.

10. Any person who owns or is in possession of live stock which is reported to be affected with any infectious or contagious disease, or with insects which may produce disease, who shall refuse to allow said board, or any one acting under its order, to examine such stock, or shall hinder or obstruct the said board or appointee in any examination of, or in any attempt to examine, such stock, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars.

11. Any person who shall have in his possession any domestic animal affected with any contagious or infectious disease or fever-ticks, knowing such animals to be affected, who shall permit such animal to run at large, or who shall keep such animal where other domestic animals not affected by or previously exposed to such disease may be exposed to its contagion or infection, or who shall ship, drive, sell, trade, or give away such diseased animal or animals which have been exposed to such infection or contagion, or who shall move or drive any domestic animal in violation of any direction, rule, regulation or order of the board of control, establishing and

regulating live-stock quarantine, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars for each of such exposed or diseased domestic animals which he shall permit to run at large or sell, ship, drive, trade, or give away in violation of the provisions of this act: provided that any owner of domestic animals which have been affected with or exposed to any contagious or infectious disease may dispose of the same after having obtained from the said board or veterinary surgeon a bill of health for such animal or animals.

12. The said board shall have power to call upon any sheriff or deputy sheriff, or constable, to execute their orders, and such officer shall obey the orders of said board, and the officer or officers performing these duties shall each be entitled to one dollar and fifty cents per day for himself and horse, which payment shall be made upon a sworn account, approved by said board, provided said expenses under this section shall not exceed in any event five hundred dollars per annum.

13. Except as otherwise provided in this act, any person who shall violate, disregard, or evade, or attempt to violate, disregard, or evade, any of its provisions, or who shall violate, disregard, or evade, or attempt to violate, disregard, or evade, any of the rules, regulations, orders, or directions of the said board establishing and governing quarantine, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars.

14. Be it further enacted, That the disease known as tuberculosis shall be classed as a highly contagious and infectious disease, and such measures shall be taken by the board and its authorized veterinarian as to them may seem necessary to eradicate and prevent the spread of said disease.

15. This act shall not be construed to repeal any law now in force for the protection of domestic animals.

16. This act shall be in force from its passage.

CHAP. 363.—An ACT to establish public places of interment for the remains of citizens and residents of Tazewell county, Virginia.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That the county court of Tazewell county, Virginia, is hereby empowered, and it shall be its duty, as soon as it reasonably may after the passage of this act, to acquire for said county by gift, grant, purchase, or condemnation proceedings, one-fourth of an acre of land centrally located in each school district of said county, for the purpose of burying the remains of citizens and residents of said county.

2. Should condemnation proceedings become necessary to acquire

such lands, the same shall conform to the provisions of chapter forty-six of the code of Virginia, edition of eighteen hundred and eighty-seven, so far as they are applicable.

3. When said lands shall be acquired as aforesaid, it shall be the duty of the board of supervisors of said county to issue rules and regulations governing the locations and mode and manner of burials in them respectively, and to post a copy of such rules and regulations on each of said lands and at the court-house door of said county.

4. This act shall be in force from its passage.

CHAP. 384.—An ACT to repeal an act entitled an act for the protection of sheep in Amherst county, approved March 2, 1894.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That the act entitled an act for the protection of sheep in Amherst county, approved March second, eighteen hundred and ninety-four, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 385.—An ACT to prescribe a fence law for part of Curdsville magisterial district, in the county of Buckingham.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That within the limits of all that portion of Curdsville magisterial district, in the county of Buckingham, south of Willis river, as the same is now laid off and defined, the boundary lines of each lot or tract of land in said limits shall be deemed, and are hereby declared and constituted, lawful fences.

2. It shall not be lawful for the owner, hirer or manager of any horse, mule, swine, sheep, goat or neat cattle of any description to permit the said animals to run or roam at large beyond the limits of his own land.

3. If any of the animals enumerated in the foregoing section shall hereafter be found going at large, or upon the lands of any other person than the owner, hirer or manager, the owner, hirer or manager of any such animal shall be liable for every such trespass or offence to a fine of not less than one dollar, nor more than five dollars, to be recoverable on warrant before a justice of the peace, and in addition shall be liable to the owner or occupier of such land for any damages caused by such trespass, to be recovered as now provided by law in such cases.

4. This act shall be in force from its passage.

CHAP. 366.—An ACT to authorize the council of the town of Salem, in Roanoke county, to issue new bonds of said town sufficient to retire the bonds issued for the construction of water-works, and to transfer the lien of the deed of trust on said water-works, its franchises, etc., to the bonds to be issued under this act.

Approved February 18, 1896.

Whereas the town of Salem, in the county of Roanoke, under and by virtue of the authority given it by the act of the general assembly of Virginia, approved January twelfth, eighteen hundred and eighty-six, did issue certain bonds of said town, bearing interest at the rate of six per centum per annum, payable semi-annually on the first days of April and October of each year, the principal payable in twenty years from their date, with the privilege to said town to pay the same in ten years from said date, and as additional security for the prompt payment of said semi-annual installments of interest and of the said principal when they should respectively fall due, transferred to the holders of said bonds the lien of a certain deed of trust executed on the twenty-first day of April, eighteen hundred and seventy-six, to John M. Evans as trustee, by which the water-works of said town, its franchises and so forth was conveyed to secure the holders of the bonds set forth in said deed in the payment of the interest and principal thereof; and

Whereas the said town is desirous of retiring the bonds issued under the said act of January twelfth, eighteen hundred and eighty-six; therefore,

1. Be it enacted by the general assembly of Virginia, That the council of said town of Salem, in the county of Roanoke, be, and it is hereby, authorized and empowered to issue a sufficient number of the bonds of said town, either coupon or registered, of such denominations as to said council may seem best, bearing interest at a rate not exceeding six per centum per annum, as may be necessary to retire said bonds issued under said act, approved January twelfth, eighteen hundred and eighty-six, or so much thereof as may be unpaid, the bonds to be issued under this act to be exempt from taxation for town purposes, the interest thereon to be paid semi-annually, the principal to be paid in twenty years from their date, with the privilege to said town to pay the said principal in ten years from their date. As a further security for the prompt payment of semi-annual installments of interest and of said principal when they severally fall due under this act, it is further enacted that the holders of the bonds to be issued under this act shall be substituted to all the rights of the holders of the bonds to be retired hereunder. The said deed of trust of April twenty-first, eighteen hundred and seventy-six, and the lien of said deed of trust be transferred to and shall inure to the benefit of the bonds to be issued under this act when the former bonds are retired, and the statute of limitations and every presumption of payment as to said deed of trust shall begin to run from the date of the bonds issued hereunder.

2. This act shall be in force from its passage.

CHAP. 367.—An ACT for the relief of W. H. Perkins, treasurer of the county of Middlesex, to authorize the auditor of public accounts to credit said treasurer with lost school warrants.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts, upon the production of satisfactory evidence that the school warrant of the county of Middlesex for the year eighteen hundred and ninety-four has been lost and that the amount of said warrant has been paid in full by W. H. Perkins, treasurer of said county, upon orders of the proper authorities, be, and he hereby is, authorized, upon settlement with said Perkins, to credit him by same; provided the auditor shall take from said Perkins a bond of indemnity in the penalty of five thousand dollars, with proper security, conditioned to save the commonwealth from loss by reason of said credit being given.

2. This act shall be in force from its passage.

CHAP. 368.—An ACT to amend and re-enact sections 525, 3518 and 3519 of the code of Virginia, in relation to fee bills.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That sections five hundred and twenty-five, thirty-five hundred and eighteen and thirty-five hundred and nineteen of the code of Virginia, be amended so as to read as follows:

§ 525. How made out and collected.—The commissioners may make out tickets for their fees, and place them in the hands of a sheriff or constable, to be collected and accounted for in the same manner that clerk's fees are collected and accounted for. The said commissioners shall be subject to the same penalties as clerks of courts for issuing tickets wrongfully.

§ 3518. To whom fee bills delivered for collection; power and duty of collecting officer.—Any officer mentioned in this chapter, or personal representative of a deceased clerk, may deliver fee bills, duly signed, *within two years from the time such fee bills become due*, to any sheriff or constable in any magisterial district, or high constable of any city, who shall receive and endeavor to collect the same. Such sheriff, constable or high constable may distrain for such fee bills, and the sheriff for any fee bills due to him, such property of the person to whom the fee bills are charged as might be levied on under a writ of fieri facias against him; and sections six hundred and twenty-seven, six hundred and twenty-eight and six hundred and twenty-nine shall apply to such fee bills in like manner as to taxes.

§ 3519. When and how officer to account for fee bills collected and return those uncollected; his commission; remedy for what he is chargeable with.—Every sheriff, constable, or high constable to whom such fee bills are so delivered shall, within twelve months after such delivery, account therefor with the officer or personal representative entitled thereto by returning such as he may not have collected, with an endorsement thereon that the person charged with the fees has no estate in his county, corporation or district out of which the same could be made, and by paying to such officer or personal representative the amount of all not so returned, deducting a commission for himself of ten per centum on such amount. If he fail so to do, judgment may be obtained, on motion, against him and his sureties, or his and their personal representatives, or, if he be a sheriff, against any deputy who may have signed the receipt for the fee bills and his sureties, or his and their personal representatives, for the amount with which such sheriff, constable or high constable is chargeable, and damages thereon not exceeding fifteen per centum per annum from the expiration of the said twelve months. Such judgment may be, on motion, after notice, in the circuit or county court of the county or the circuit or corporation court of the corporation wherein said sheriff, constable or high constable resides. On such motion the signature to any receipt for fee bills mentioned in the notice as signed by any person shall be deemed to be his genuine signature, unless an affidavit be made denying it.

2. This act shall be in force from its passage.

CHAP. 369.—An ACT to incorporate the Hinton, New river and western railway company.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That James T. McCreery, James H. Miller, J. C. James, R. R. Flanagan, and J. Alexander Parker, and such other persons as may be associated with them, and their successors, are hereby created and declared to be a body politic and corporate by the name and style of the Hinton, New river and western railway company, and by such name shall have perpetual succession, and may contract and be contracted with, sue and be sued, make and use a common seal and alter the same at pleasure, and make such by-laws, rules, and regulations for the government of said corporation and the conduct of its business as may be deemed necessary, not in conflict with the constitution and laws of this state or of the United States.

2. The capital stock of the said company shall not be less than five thousand dollars, to be divided into shares of fifty dollars each, and the same may be increased from time to time by additional subscriptions to such amount, not exceeding one hundred thousand dollars, as the stockholders, at any general or special meeting, may

authorize or prescribe. The said company may receive subscriptions to its capital stock, or payment for its shares to be issued, in money, material, work, labor, or otherwise, land or other property, upon such terms as shall be agreed upon or authorized by the board of directors, and may give preference to a portion of its capital stock over the residue thereof, or to dividends and the payment thereof.

3. The corporators herein above named, or any three of them, may receive subscriptions to the capital stock of said company, and when the minimum capital of five thousand dollars shall have been subscribed, the subscribers thereto may organize said company by the election of five directors, of whom they shall elect one as president, to remain in office one year or until their successors are elected. After organization, as aforesaid, the stockholders, at any general meeting, may change the number of directors, and may provide for the proper government of the company by such by-laws as they may deem fit, as herein above authorized. The president may appoint such subordinates, agents, and officers as he may deem necessary and proper to the conduct of the business of the company.

4. The said company is hereby authorized and empowered to locate, construct, build, equip, operate, and maintain a line of railway to any point on the Norfolk and western railroad between Glen Lyn and the town of Pearisburg, in the county of Giles, from a point on the line between the states of West Virginia and Virginia, on the bank of New river, at the terminus of the line of the Hinton, New river and western railway company, as authorized under the charter of the said railway company granted by the state of West Virginia on the fifteenth day of April, eighteen hundred and ninety-five, and to connect the same with any line of railroad now built or authorized to be built, and shall have the right by a majority vote of the stockholders to consolidate, merge its property and franchises into any other railroad in either of said states, and shall have power to execute contracts for the purpose of such connections, merger, or consolidation, and any other company so formed by such merger or consolidation, and under such name as it may adopt and set forth in the contract of consolidation so executed, shall be entitled to all the property, rights, and franchises, and be subject to the liabilities of the companies so consolidated, and the said named company shall have power to subscribe to the capital stock or endorse the bonds of any railroad company or other incorporated company.

5. The said company shall have power to borrow money to any amount not exceeding one hundred thousand dollars, to issue and negotiate bonds and to secure the payment of the same by mortgage, deed of trust, or otherwise upon the whole or any part of its property and franchises, or either. It shall be lawful for said company to sell its bonds from time to time for such sums and upon such terms as its board of directors may deem expedient for the prosecution of the work and business of the company. No stockholder shall be held individually liable for any of the debts or liabilities of the company in any further or larger sum than the amount that may be due and unpaid upon his stock subscription.

6. It shall be lawful for the said company to acquire, by donation or purchase, lands for the right of way, depots, stations, shops, and other purposes necessary for the successful construction and operation of its road in any of the counties through which it is authorized to construct its line of road or branches thereof.

7. The said company is hereby invested with all the powers conferred by the general law of the state applicable to railroad corporations, and shall be subject to all the restrictions of said laws, except so far as the same are modified or changed by the provisions of this act.

8. The said company, by its acceptance of this charter, thereby agrees to pay all public dues, demands, and taxes due, or to become due, the state of Virginia in lawful money of the United States, and not in coupons.

9. This act is subject to the proviso that the work of construction hereunder shall be begun within two years and completed within five years after the passage of this act, unless the time therefor shall be extended by the general assembly.

10. This act shall be in force from its passage.

CHAP. 370.—An ACT for the relief of N. T. Sedwick, B. F. Stricker and Frank Phillips, deputy treasurers of W. O. Yager, late treasurer of Page county.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That N. T. Sedwick, B. F. Strickler and Frank Phillips, deputy treasurers for W. O. Yager, late treasurer of Page county, be allowed the further time of one year from January first, eighteen hundred and ninety-six, to distrain and levy and collect any uncollected tax-tickets in their hands and not returned delinquent, for which the said late treasurer has accounted to the auditor and the county authority, for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three and eighteen hundred and ninety-four.

2. This act shall be in force from its passage.

CHAP. 371.—An ACT to allow V. B. Gilmer, treasurer of Russell county, further time for collecting uncollected taxes in Russell county.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That V. B. Gilmer, treasurer of Russell county, be allowed the further time of one year from the date of the approval of this act within which to

distrain and levy for and collect any uncollected tax-tickets still in his hands or his deputies not returned delinquent, for which he settled with auditor and board of supervisors, for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two and eighteen hundred and ninety-three.

2. This act shall be in force from its passage.

CHAP. 372.—An ACT to give Claudius Humphries, late deputy treasurer of Lancaster county, power of levy and distress to collect certain uncollected tax-tickets in his hands.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That Claudius Humphries shall have the same power of levy and distress as is now possessed by treasurers under the revenue laws, for one year from the passage of this act, to collect the uncollected tax-tickets now in his hands for the year eighteen hundred and ninety-one, and for which he has accounted to the proper authorities.

2. This act shall be in force from its passage.

CHAP. 373.—An ACT to allow J. W. Bonner, treasurer of Bath county, further time to distrain, levy, and collect certain tax-tickets and license taxes, for which he has accounted to the state.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That J. W. Bonner, treasurer of Bath county, be allowed the further time of one year from the passage of this act in which to distrain and levy for and collect any uncollected tax-tickets and levies and unpaid license taxes in his hands and not returned delinquent or insolvent, and for which he has accounted to the state, for the years eighteen hundred and ninety-one and eighteen hundred and ninety-four inclusive.

2. This act shall be in force from its passage.

CHAP. 374.—An ACT allowing James M. Colly, late treasurer of Dickenson county, and his deputies, further time for collecting uncollected taxes in Dickenson county.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That James M. Colly, late treasurer of Dickenson county, and his deputies, be

allowed the further time of one year within which to distrain and levy for and collect any uncollected tax-tickets still in their hands not returned delinquent, and for which said James M. Colly, treasurer aforesaid, has accounted for with the state and county, for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two and eighteen hundred and ninety-three.

2. This act shall be in force from its passage.

CHAP. 375.—An ACT to amend and re-enact section 2 of an act entitled an act to incorporate Ingram institute, approved March 1, 1892.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That section two of an act entitled an act to incorporate Ingram institute, be amended and re-enacted so as to read as follows:

§ 2. The said corporation shall have power to acquire by purchase, gift, devise, or bequest property, real and personal, and the same from time to time to sell, convey by sale, in fee simple or in trust, mortgage, encumber, charge, pledge, grant, lease, sub-lease, alien, and dispose of; to receive endowments and create scholarships upon such terms and condition as it may deem proper, and holding, issuing, controlling, encumbering, and disposing of said property for the sole use and benefit of the Ingram institute. The said institute shall have perpetual succession and a common seal, which it may alter or amend at its pleasure, and may in its corporate name sue and be sued, plead and be impleaded, contract and be contracted with; provided that said institute shall not at any time acquire and hold real or personal property exceeding in value the sum of fifty thousand dollars.

2. This act shall be in force from its passage.

CHAP. 376.—An ACT to amend the charter of the Mercantile publishing company, of Norfolk city.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That the second section of an act approved March third, eighteen hundred and ninety, entitled an act to incorporate the Mercantile publishing company, of Norfolk city, be, and is hereby, altered and amended to read as follows:

§ 2. The capital stock of said company, for purposes of organization, shall not be less than five thousand dollars, divided into shares of one hundred dollars each. Said company may, with consent of

a majority of the stockholders, increase the minimum capital stock from time to time to such an amount, or amounts, as may be deemed expedient, *such stock to be in such proportion of common and preferred, and to be issued and sold in such manner by the treasurer on the order of the board of directors, as the stockholders, in meeting assembled, may by resolution direct when authorizing such increase, provided the capital stock shall not exceed two hundred and fifty thousand dollars; and the said company may, at any time, with the consent of a majority of the stockholders, buy in its common stock and redeem its preferred stock, with cumulative interest at the rate of six per centum, after deducting all dividends which have been paid on the same; but the capital stock must not be reduced below fifty thousand dollars after that amount has been subscribed and paid in.* In all meetings of the stockholders each share shall be entitled to one vote, which vote may be cast in person or by proxy.

2. And be it further enacted by the general assembly of Virginia, that the fifth section of an act approved March third, eighteen hundred and ninety, entitled an act to incorporate the Mercantile publishing company, of Norfolk city, be, and is hereby, altered and amended to read as follows:

§ 5. The said company may acquire whatever real estate may be necessary for its purposes in the city of Norfolk, *and may invest a part of its capital stock in a building in which to transact all its business, and to contain offices and halls for professional and commercial purposes, with authority to let, rent, and lease the same.*

3. This act shall be in force from its passage.

CHAP. 377.—An ACT to regulate the salary of the police justice of the city of Norfolk.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That the police justice of the city of Norfolk shall be paid a salary of two thousand dollars per annum, payable in monthly payments of one hundred and sixty-six dollars and sixty-six cents, payable out of the state treasury upon the warrants of the auditor of public accounts out of the moneys collected and paid over by said police justice to the clerk of the corporation court of the city of Norfolk; but the salary herein provided for is not to be a charge on the state treasury except so far as it relates to the revenue covered into the said treasury as provided in the next section.

2. The clerk of the corporation court of the city of Norfolk shall, on or before the fifth day of each month, report and pay over to the auditor of public accounts the fines and costs reported and paid over to him by the police justice of said city.

3. This salary shall be in lieu of all other compensation to the

said police justice for his services, whether tried under state laws or the ordinances of the city of Norfolk.

4. All acts and parts of acts, and all provisions of the charter or ordinances of the city of Norfolk, so far as they are in conflict with this act, are hereby repealed and declared null and void.

5. This act shall be in force from its passage.

CHAP. 378.—An ACT to amend and re-enact an act approved March 3, 1880, entitled an act to incorporate the town of Hillsboro, in the county of Loudoun.

Approved February 13, 1896.

1. Be it enacted by the general assembly of Virginia, That sections one and two of the act approved March third, eighteen hundred and eighty, entitled an act to incorporate the town of Hillsboro, in Loudoun county, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the town of Hillsboro, in the county of Loudoun, as the same has been or may be laid off into lots, streets, and alleys, shall by that name continue, and by that name shall have and exercise all the powers, rights, privileges, and immunities, and shall be subject to all the provisions of chapter forty-four, code of Virginia, eighteen hundred and eighty-seven, so far as the same relates to towns of less than five thousand inhabitants and is not in conflict with the powers herein conferred.

§ 2. The boundaries of said town shall be as follows, to-wit: Beginning at the basement or lower door of L. S. Moore's mill, and running thence south seventy-nine degrees, west twenty-three poles, to a point in H. Hooes's lot; thence north four degrees, west eight poles and twenty links, to a point on the south side of the old creek bed; thence north forty-seven and one-half degrees, east seventy-six poles and eighteen links, to a point on the hill of J. H. Price; thence south sixty-five degrees, east seventy-nine poles and eleven links, to a cherry tree on J. Matthews' land; thence south seventeen degrees, west seventy-six poles, to a point in H. Hooes's line; thence with said Hooes's line north seventy-one and one-half degrees, west seventeen poles and fifteen links, to a planted stone corner to Neer and Hooe; thence along and across the public road south twenty-two degrees, west fifty poles, to C. C. Gaver's stone steps; thence south fifty-two degrees, east five poles and nine links, to a point on said Gaver's lands; thence south thirty-five degrees, west eight poles, to a stone; thence north sixty and one-half degrees, west twenty-four poles, to a point west of the parsonage of the Methodist Episcopal church; thence north twenty-three and one-half degrees, west sixty-six poles, to a point in L. S. Moore's lot; thence north thirty-one degrees, east twenty-six poles and nineteen links, to the beginning.

2. This act shall be in force from its passage.

CHAP. 379.—An ACT to amend and re-enact an act entitled an act to amend and re-enact section 2048 of the code of Virginia, as amended by an act approved January 18, 1890, in relation to what constitutes a lawful fence, approved March 4, 1890.

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to amend and re-enact section two thousand and forty-eight of the code of Virginia, as amended and re-enacted by an act approved sixteenth January, eighteen hundred and ninety, in relation to what constitutes a lawful fence, approved March fourth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 2048. How boundary lines of lots and tracts of land make a lawful fence.—The board of supervisors of any county, after posting a notice of the time and place of meeting for thirty days at the front door of the court-house, at each voting place in the county, and by publishing the same once a week for four successive weeks in some newspaper of such county, if any such be printed therein, a majority of the board being present and concurring, may declare the boundary line of each lot or tract of land, or any other natural or designated line in such county, or in any magisterial district thereof, or in any selected portion of such county, to be a lawful fence as to any or all the animals mentioned in section two thousand and forty-two; and to the extent that said board shall so declare the boundaries of each lot and tract of land, or any other natural or designated line, shall constitute a lawful fence as to the said animals, or such of them as may be named, after six months from the time of such action by the board; and to such extent section two thousand and thirty-eight shall be inoperative from and after said six months: *provided that in any county for which a special fence law has heretofore been enacted, and whose board of supervisors have, prior to this amendment, adopted such a lawful fence as is provided for by this section, the action of said board is hereby confirmed and made valid.* And in any county where the supervisors or other local authorities have heretofore, in pursuance of law, declared, or shall hereafter, in pursuance of law, declare the boundary line of each lot or tract of land, or any other natural or designated line in such county, or in any magisterial district thereof, or in any selected portion of such county, to be a lawful fence, then the board of supervisors, after the same notice and publication as above provided, by a unanimous vote of all the members of the board, may declare that the boundary line of lots and tracts of land and other natural or designated lines in such county, or in any magisterial district thereof, or in any selected portion of such county, shall, after the expiration of a period to be designated by the board, if not *less* than one year, cease to be lawful fences as aforesaid; and upon the expiration of the period as designated, and to the extent declared by said board, such boundary lines of lots and tracts of land, or other natural or designated lines, shall

cease to be a lawful fence, and to such extent section two thousand and thirty-eight shall again have operation.

2. This act shall be in force from its passage.

CHAP. 380.—An ACT to constitute capitation tax a lien upon real estate owned by the person at the time such capitation tax is assessed.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That every capitation tax for state, county and corporation purposes shall be a lien upon the real estate owned by the person against whom such tax is assessed, from the time of such assessment; and if such tax be not paid, such real estate may be subjected to sale for the payment thereof and all costs and expenses, at the same time and in the same manner that such real estate would be subjected to sale for the payment of taxes assessed thereon.

2. This act shall be in force from its passage.

CHAP. 381.—An ACT to protect pheasants and wild turkeys in the county of Montgomery.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to kill pheasants or wild turkeys or to capture or offer for sale or to destroy their nests or eggs anywhere in the county of Montgomery from the date of the passage of this act until the first day of January, eighteen hundred and ninety-eight.

2. Any person violating this act shall be arrested and tried before a magistrate, and, if found guilty, shall be deemed guilty of a misdemeanor, and fined not less than five nor more than ten dollars and cost of prosecution for each offence, and imprisoned in the county jail until the fine be paid, but not exceeding thirty days.

3. In any prosecution for a violation of this act proof of the possession of any such pheasants or wild turkeys, either for the purpose of sale or consumption, shall be prima facie evidence of his guilt.

4. The operation of section twenty hundred and seventy-nine of the code of eighteen hundred and eighty-seven, and acts amendatory thereto of February twenty-first, eighteen hundred and ninety-four, shall read as follows: It shall be unlawful to kill or capture, or offer for sale, or buy any pheasants or wild turkeys in the county of Montgomery between the first day of January and the fifteenth day of October of any year, beginning with the year eighteen hundred and

ninety-eight, or at any time to take or destroy the eggs of pheasants or wild turkeys.

5. This act shall be in force from its passage.

CHAP. 382.—An ACT to prevent the extermination of game in Clarke county.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to kill or capture any wild turkeys, pheasants (or ruffed grouse) in the county of Clarke, from the date of the passage of this act until the first day of November, eighteen hundred and ninety-eight, or to offer for sale any wild turkeys, pheasants (or ruffed grouse), so unlawfully killed or captured in said county within the aforesaid period.

2. Any person violating this act shall be deemed guilty of a misdemeanor and fined ten dollars for each offence, and imprisoned in jail until the fine be paid, but not exceeding thirty days.

3. In any prosecution of a person for a violation of this act, proof of the possession of any such wild turkey, pheasant (or ruffed grouse) shall be prima facie evidence of his guilt.

4. The operation of section twenty hundred and seventy-nine of the code of eighteen hundred and eighty-seven, and any acts amendatory thereto, so far as it relates to the particular game hereinbefore enumerated, and in conflict with this act, is hereby suspended in the county of Clarke until the first day of November, eighteen hundred and ninety-seven.

5. This act shall be in force from its passage.

CHAP. 383.—An ACT for the protection of game and song birds in the counties of Buckingham and Cumberland.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall not be lawful for any person to kill or capture in any way or to offer for sale any partridges or quail, or ruffed grouse or pheasant in Buckingham and Cumberland counties for twelve months after the passage of this act, nor at any time thereafter, except between the fifteenth day of October and the first day of February following, or any wild turkeys, except between the fifteenth day of October and the first day of February following, or any rabbits or hares, except between the fifteenth day of October and the first day of February following, and between the first day of June and the fifteenth day of October in any year during which last mentioned months young

rabbits or hares only may be killed or captured; nor shall it be lawful to kill or capture or offer for sale any of the birds or animals above mentioned in said counties whilst snow is on the ground, or any time to kill any mocking-bird or cardinal bird, or red bird in said counties.

2. If any person violate any provision of the preceding section he shall be deemed guilty of a misdemeanor, and shall be fined for each offence ten dollars. In any prosecution for the violation of the preceding section proof of the possession of any of the birds or animals mentioned during the time in which their capture, killing, or sale is prohibited by this act shall be prima facie evidence of the guilt of the person having in his possession any such bird or animal.

3. All acts and part of acts inconsistent herewith are hereby repealed.

4. This act shall be in force from and after thirty days from its passage.

CHAP. 384.—An ACT to authorize the council of the city of Norfolk to issue bonds for sewerage and other purposes in the Fifth or Brambleton ward of said city, and to submit the same to a vote of the electors of said city.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the councils of the city of Norfolk, in order to establish a system of sewerage for the Fifth or Brambleton ward, and to continue the paving, guttering and improvements generally of the streets in the said ward, to issue coupons or registered bonds in sums not less than one hundred dollars, at a rate of interest to be determined by said councils, not to exceed, however, six per centum per annum, payable semi-annually: provided that the whole amount of bonds issued under this act shall not exceed the sum of one hundred and fifty thousand dollars, to be used and applied upon the recommendation of the local board of improvement of the said Fifth or Brambleton ward. The said bonds shall be signed and issued as other bonds of the city of Norfolk are authorized to be issued and signed, and under the same conditions and restrictions, except that the same shall be predicated upon the assessed value of the real and personal property within the said ward, as now provided by law for the issuance of bonds in said ward. The said city councils may dispose of said bonds to the highest bidder therefor, either at public auction or under proposals, to be made public to the city councils, or in such other manner as said councils may deem expedient; provided, however, that if the said bonds bear six per centum interest they shall not be disposed of for less than their par value; and in no case shall the said bonds be disposed of for less than ninety-five per centum of their par value.

2. The said bonds shall not be subject to any taxation whatever

by the city of Norfolk. The bonds issued under this act shall be made payable in thirty years after their date, and the said councils shall provide for the payment of the same and the interest thereon, in the same manner as is provided for other bonds of said city, predicated upon the assessment of real and personal property in the said Fifth or Brambleton ward at the time of the adoption of this act; and the said councils shall, for the payment of the interest thereon, levy a special tax, or may provide for the same out of a general levy in said ward: provided, however, that the said councils shall not have authority to issue the said bonds until the same shall have been approved by a majority of the votes cast in the said Brambleton ward at the regular election held in May, eighteen hundred and ninety-six, or any succeeding regular election. The councils shall give public notice of the same thirty days prior to said election, by advertising in one or more newspapers published in the city of Norfolk.

3. This act shall be in force from its passage.

CHAP. 385.—An ACT to amend and re-enact an act entitled an act authorizing the board of supervisors of Pittsylvania county to issue the bonds of said county for the purpose of raising money to pay off bonds of said county, approved February 7, 1894, as amended and re-enacted by an act approved December 30, 1895.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Pittsylvania county, Virginia, be, and is hereby, authorized and empowered to issue coupon bonds of the said county to an amount not exceeding one hundred thousand dollars, for the purpose of raising money to pay off such of the bonds of said county now outstanding as remain unpaid, which were issued in the year eighteen hundred and seventy-one for the payment of the subscription of said county to the capital stock of the Lynchburg and Danville railroad company. Said bonds shall be of the denomination of one hundred dollars or its multiple, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually at the office of the treasurer of said county, at Chatham, Virginia, or at some bank or banking-house in one of the following cities, namely: Richmond, Virginia; Baltimore, Maryland; New York, state of New York, as said board of supervisors may direct or designate; shall be in such form as the said board may prescribe, shall be signed by the chairman of the board, countersigned by the clerk of the board, sealed with the seal of the said board, and run for a period of twenty years.

2. This act shall be in force from its passage.

CHAP. 386.—An ACT to authorize the city of Staunton to condemn the right of way through the grounds of the Virginia female institute in said city of Staunton, for the extension of Baldwin street.

Approved February 19, 1896.

Whereas for the convenience and safety of the residents of the northwestern part of the city of Staunton, and to afford them proper fire and police protection, it is necessary for the said city to open Baldwin street through property owned by the Virginia female institute, incorporated under the laws of Virginia for educational purposes; and whereas the said land is exempt from condemnation proceedings under chapter forty-six of the code, by virtue of section eleven hundred and one of said chapter; therefore,

1. Be it enacted by the general assembly of Virginia, That the city of Staunton be, and it is hereby, authorized and empowered to condemn, for the purpose of extending Baldwin street through the land of the Virginia female institute, right of way through said land for said street sufficient to give to said street a width of forty feet.

2. The authority conferred by the first section of this act shall be exercised upon the conditions provided, and the just compensation to be paid for said real estate shall be ascertained and made in the mode provided in chapter forty-six of the code.

3. All acts and parts of acts inconsistent herewith shall be, and the same are hereby, repealed.

4. This act shall be in force from its passage.

CHAP. 387.—An ACT to incorporate the Colonial Beach agricultural and industrial association.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That W. H. Fairfax, F. G. Fairfax, T. H. Massey, B. D. Cooke, C. W. Walcott, John A. Pierson and all other persons who may become associated with them under the provisions of this act, be, and they are hereby, constituted a body politic and corporate by the name and style of the Colonial Beach agricultural and industrial association, and as such shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, contract and be contracted with, and make all proper and needful by-laws and regulations not inconsistent with the laws of the United States or of this commonwealth.

2. The purposes and object of this association shall be to establish and conduct fairs and other exhibitions of agricultural and other products as a means of developing the resources of the Northern Neck, and of promoting and advancing all industrial pursuits. The principal office of the association shall be at Colonial Beach; and its

stockholders' meetings, fairs and exhibitions shall be held at Colonial Beach and at such other places as may be deemed expedient.

3. The said association shall have the right to acquire and hold real property by purchase, lease, gift, devise or otherwise, or by condemnation under the general laws of this state; and shall also have the right to acquire and hold personal property by purchase or otherwise; such acquisition and holding of real and personal property not to exceed, however, one hundred thousand dollars in value.

4. The capital stock of the association shall be divided into shares of twenty dollars each, which shall be paid as required by the by-laws; and the personal liability of every and any stockholder, for the debts of the association, shall be limited to the amount unpaid on the shares of the stock subscribed for by each stockholder; all certificates of stock shall be signed by the president and countersigned by the treasurer and secretary of the society.

5. The officers and directors shall be elected and the annual meetings held at such time as may be provided by the constitution and by-laws of the association.

6. The board of directors, including the president, secretary and treasurer, shall have the management and control of the property, affairs and business and concerns of the association.

7. Such constitution as shall be adopted by a two-thirds vote of the stockholders of the association shall be held and deemed to be the constitution of the said association, and shall not be altered or amended except as may be therein provided.

8. This act shall be in force from its passage.

CHAP. 388.—An ACT to protect rabbits or hares and deer in the county of Chesterfield.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall not be lawful in Chesterfield to hunt, trap or kill any rabbit (or hare) or deer between the first day of February and the first day of September of each year. Any person so doing shall, upon conviction of said offence before a justice of the peace of the district in which the said offence was committed, be fined not less than one dollar nor more than five dollars. The possession of any of said animals shall be prima facie evidence of the commission of said offence.

2. This act shall be in force from its passage.

CHAP. 389.—An ACT empowering the board of supervisors of Dickenson county to increase the salary of the judge of the county court of said county.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Dickenson county be, and they are hereby, authorized and empowered to increase the salary of the county judge of said county to the sum not to exceed the sum of three hundred dollars per annum, and that said salary be a charge upon said county and be levied, collected, and paid as the law prescribes for the payment of county judges.

2. This act shall be in force from its passage.

CHAP. 390.—An ACT to allow E. W. Maxwell, treasurer of Wise county, and his deputies power of levy and distress to collect certain uncollected tax-tickets now in his hands.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That authority is hereby granted E. W. Maxwell, treasurer of Wise county, and his deputies to collect any tax accounts in their hands for state taxes, and county and district levies for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two and eighteen hundred ninety-three, which have not been returned delinquent or insolvent, and for which the said E. W. Maxwell, treasurer as aforesaid, has accounted for with the state and county, and they shall have the same power of levy and distress as treasurers now have under the revenue laws; provided, however, that the authority granted by this act shall only extend for a period of one year from the date of its passage.

2. This act shall be in force from its passage.

CHAP. 391.—An ACT to regulate the issue and sale of the bonds of the town of Pulaski.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That the town of Pulaski shall not have outstanding and in force at any one time its bonds of any description or denomination in an amount exceeding eight per centum of the assessed value of the real and personal property assessed in said town.

2. This act shall be in force from its passage.

CHAP. 392.—An ACT to amend and re-enact an act entitled an act to prevent the erection of slaughter-houses within half a mile of the city of Norfolk, approved March 1, 1878.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That hereafter, except on tidewater, no slaughter-house or slaughter-pen shall be erected, established or maintained within half a mile of the present corporate limits of the city of Norfolk. Any violation of this act shall be deemed a misdemeanor and shall be punished by fine and imprisonment, the fine not to exceed one hundred dollars and the imprisonment not to exceed six months.

2. This act shall be in force from its passage.

CHAP. 393.—An ACT for the permanent improvement of roads in Stevensburg magisterial district of Culpeper county, and in such other districts as may adopt the same.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That whenever not less than five land owners interested in macadamizing or otherwise improving a public road of not less than one mile in length shall petition the road board of Stevensburg magisterial district, in Culpeper county, to have said road macadamized or otherwise improved, and shall consent that the real estate owned by them in said district and designated in said petition shall be taxed under a special levy at a rate not exceeding two dollars on the hundred dollars, but sufficient to secure the payment of the cost of improvement in five years, said road board shall give said road a name by which it shall subsequently be known, and at the cost of the district road fund cause a survey of the said road to be made with an estimate of the cost of properly macadamizing or otherwise improving said road.

2. If the cost of macadamizing or otherwise improving said road does not exceed ten dollars on the one hundred dollars of the assessed real estate of the petitioners said road board shall then issue its bonds for the amount considered necessary, to be signed by the chairman and clerk of the board, payable in one, two, three, four, and five years, bearing interest from date and not exceeding six per centum per annum, and designated as (name of road) road bonds, and use the same or the proceeds in macadamizing or otherwise improving said road as hereinafter provided, but said bonds are not to be sold at less than par.

3. Said road board shall then levy a special tax upon the said real estate of the petitioners at such rate, not exceeding two dollars on the one hundred dollars, as shall in five years pay off the cost of macadamizing or otherwise improving the said road, which said levy

shall be collected as other district road taxes are collected. If, however, said taxes are not paid by the first of December of each year a penalty of five per centum will be added as on other taxes, which penalty shall go to the treasurer. Said taxes shall be paid by the treasurer to the said road board, which is required to keep the same on special deposit, to be known as the (name of road) road improvement fund, and to be paid out on the order of said road board, and to be applied to the payment and extinguishment of the bonds as aforesaid. The lands owned by the petitioners and set out in their petition shall be liable to the lien of said taxes so assessed for the five years, and a copy of the said petition recorded in the deed books of the clerk's office of the county and indexed in the name of each petitioner shall be notice of such lien, and shall bind the said lands in the hands of subsequent purchasers and be good against creditors, no charges to be made by the clerk for services under this section, and no tax to be collected for the state.

4. Said special levy not to exceed beyond five years, and to cease before that time if said bonds shall be previously paid.

5. The petitioners shall select two persons, who, with the supervisor for the said district, shall have full power in contracting for and supervising the construction and acceptance of said work, employing such persons and contracting for such things as may be necessary. Said three persons shall be a body politic and known as (name of road) road commissioners, and by such name may sue and be sued in all matters pertaining to the contract, improvement, and acceptance of the work; the bonds or proceeds of said bonds, as aforesaid, only to be delivered or paid over to the contractors upon the written direction of a majority of the said road commissioners. No compensation shall be made to the persons representing the petitioners, but the road board for the said district shall, out of the road fund, pay to the supervisor such compensation for his services as the two remaining commissioners shall certify he is entitled to, not to exceed one dollar per half-day for the time engaged.

6. The cost of macadamizing or otherwise improving any road under this act shall not average less than five hundred dollars per mile, nor exceed two thousand dollars per mile.

7. Said road commissioners shall have power to let said road to contract to be done according to specifications, or have the same done by day labor, and to have full authority to do whatever may in their judgment be necessary for the proper execution and completion of the work.

8. The regular county and district road and bridge taxes assessed against said petitioners on the lands set out in their petition are to be retained by them annually until the amounts of the special assessments and levies paid by them under this act are paid in full, with interest thereon.

9. Said district road board may assist in the improvement by furnishing any of its road or rock machinery without compensation.

10. Any other magisterial district, or districts, of Culpeper county may adopt the provisions of this act and make it apply to said district, or districts, by the unanimous vote of its road board.

11. The road law now in force in Culpeper county is not repealed except as it may conflict with this act.

12. This act shall be in force from its passage.

CHAP. 394.—An ACT to amend and re-enact section 875 of the code of Virginia, 1887, in relation to the salary of the superintendent of the poor in Buckingham county.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and seventy-five of the code of Virginia, eighteen hundred and eighty-seven, in relation to the salary of the superintendent of the poor in Buckingham county, be amended and re-enacted so as to read as follows:

§ 875. The board of supervisors shall allow the superintendent of the poor a reasonable compensation for his services, not to exceed, however, two hundred and forty dollars in a county containing less than ten thousand inhabitants, and in no case to exceed three hundred dollars: provided that the board of supervisors of Halifax county may allow the superintendent of the poor of said county a salary not exceeding seven hundred dollars, and the compensation of the superintendent of the poor in Buckingham county shall be fixed in accordance with this act by the county court of Buckingham, or the judge thereof in vacation.

2. This act shall be in force from its passage.

CHAP. 395.—An ACT to allow Luke C. Lewis to erect a wharf on Chincoteague bay, in Accomac county.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That Luke C. Lewis, of Chincoteague Island, in the county of Accomac, be, and he is hereby, authorized and permitted to erect a wharf upon his land on said Chincoteague Island, with a water front of forty-two feet wide and extending thirty feet into the channel of Chincoteague bay, subject to all the laws of the state governing all wharves erected on the waters of the commonwealth; and provided also that this act shall at all times be under the control of the general assembly, and be amended or repealed as may be deemed proper.

2. This act shall be in force from its passage.

CHAP. 396.—An ACT to dispense with formal warrants in certain cases before the police justices and justices of the peace.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That in any case where a person has been arrested for a misdemeanor by a police officer of any city or town while in the discharge of his duty as such police officer, it shall not be necessary for any justice of the peace or police justice to issue any warrant for such person, but he shall proceed to try the same without a warrant, unless the person so arrested in person or by his counsel shall demand that the charges against him be reduced to writing in the form of a warrant.

2. All acts and parts of acts in conflict herewith are hereby, to that extent, repealed.

3. This act shall be in force from its passage.

CHAP. 397.—An ACT to amend and re-enact section 2844 of the code of Virginia as amended and re-enacted by an act entitled an act to amend section 2844 of the code of Virginia, in relation to public holidays, approved February 28, 1890, as amended and re-enacted by an act entitled an act to amend and re-enact section 2844 of the code of Virginia as amended and re-enacted by an act to amend section 2844 of the code of Virginia, in relation to public holidays, approved February 5, 1892.

Approved February 19, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-eight hundred and forty-four of the code of Virginia as amended and re-enacted by an act entitled an act to amend section twenty-eight hundred and forty-four of the code of Virginia, in relation to public holidays, approved February twenty-eighth, eighteen hundred and ninety, as amended and re-enacted by an act entitled an act to amend and re-enact section twenty-eight hundred and forty-four of the code of Virginia as amended and re-enacted by an act entitled an act to amend section twenty-eight hundred and forty-four of the code of Virginia, in relation to public holidays, approved February fifth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 2844. The first day of January, the nineteenth day of January (known as Lee's birthday), the twenty-second day of February, the fourth day of July, the first Monday in September (known as labor day), the twenty-fifth day of December, every Saturday from twelve o'clock noon until twelve o'clock midnight, each of which Saturdays is hereby designated a half-holiday, and any day appointed or recommended by the governor of this state or the president of the United States as a day of thanksgiving or of fasting and prayer, or

other religious observance, shall, for all purposes whatever, as regards the presenting for payment or acceptance and of protesting and giving notice of the dishonor of any bill of exchange, draft, check, promissory note, or other negotiable instrument made on and after May first, eighteen hundred and ninety-six, be considered and treated as a Sunday and as public holidays and half-holidays, and all such bills of exchange, drafts, checks, promissory notes, or other negotiable instruments otherwise presentable for payment or acceptance on any of the said holidays or on a Sunday, shall be deemed to be payable and be presentable for payment or acceptance on the secular or business day next succeeding such holiday or Sunday, or in case of a half-holiday, be deemed to be payable and presentable for payment or acceptance at or before twelve o'clock noon of such half-holiday: provided, however, that for the purpose of protesting or otherwise holding liable any party to any bill of exchange, draft, check, promissory note, or other negotiable instrument, and which shall not have been paid before twelve o'clock noon of any Saturday designated a half-holiday as aforesaid, a demand of payment or acceptance thereof may be made at any time on Saturday after twelve o'clock noon, and notice of protest or dishonor thereof may be given on the next succeeding secular or business day with the like effect as if it had been given on said Saturday; and provided, further, that when any person, firm, corporation or company shall, on any Saturday designated a half-holiday, receive for collection any bill of exchange, draft, check, promissory note, or other negotiable instrument, such person, firm, corporation or company shall not be deemed guilty of any neglect or omission of duty, nor incur any liability in not presenting for payment or acceptance or collecting such bill of exchange, draft, check, promissory note, or other negotiable instrument on that day; and provided, further, that in construing this section every Saturday designated a half-holiday shall, until twelve o'clock noon, be deemed a secular or business day, and the days and half-days so designated as holidays and half-holidays shall be considered as public holidays and half-holidays for all purposes whatsoever as regards the transaction of business; and provided, further, that nothing herein contained shall be construed to prevent or invalidate the entry, issuance, service, or execution of any writ, summons, confession of judgment, or other legal process whatever, on any of the Saturday afternoons herein designated as half-holidays, nor to prevent any bank from keeping its doors open or transacting its business on any of the said Saturday afternoons if by a vote of its directors it elects to do so.

2. Whenever the first day of January, the nineteenth day of January, the twenty-second day of February, the fourth day of July, or the twenty-fifth day of December shall fall on a Sunday the Monday next following shall be deemed a public holiday for any and all the purposes aforesaid, and in that case every bill of exchange, draft, check, promissory note, or other negotiable instrument made on and after May first, eighteen hundred and ninety-six, which would otherwise be presentable for payment or acceptance

on the said Monday, shall be deemed to be presentable for payment or acceptance on the secular or business day next succeeding.

3. All acts or parts of acts inconsistent herewith are hereby repealed.

4. This act shall be in force on and after May first, eighteen hundred and ninety-six.

CHAP. 398.—An ACT to legalize the primary elections in the county of Henrico.

Approved February 20, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for any political party in the county of Henrico, in this state, previous to any general election held for the purpose of electing any state, county, or federal officers, should it desire through its local county committee so to do, to hold a primary election for the nomination of candidates for the offices to be voted for at the said ensuing general election, or for delegates to county, senatorial, congressional, or state convention, or members of the county committee of such party upon such rules and regulations not inconsistent with this act as may be prescribed by the local county committee of such party; provided, however, that for spring elections such primary election be held on the first Thursday in April, and for fall elections on the first Thursday in September of each year; and provided, further, that the expense of conducting the said primary election be borne by the party conducting or holding the same.

2. The local county committee of said party shall determine the rules and regulations upon which such primary election shall be held, except that it shall be their duty to incorporate in said rules and regulations the provision that no one shall approach the voting place nearer than forty feet except the voter engaged in the act of depositing his ballot, and he shall not remain within the reserved space of forty feet longer than the time required to deposit his ballot, but in case of a challenge the challenger and witnesses may approach the voting place with the voter, and after so challenging immediately retire from within the reserved space of forty feet, which said rules and regulations they shall have posted at the front door of the county courthouse at least ten days previous to the holding of such primary election, and a printed copy of such rules and regulations shall be served upon the candidates whose names have been handed in to the chairman of the said local county committee to be voted for at such primary election, and upon the person who shall conduct the same at the time of their appointment, and shall also be posted at the voting place for the holding of such primary election at least ten days previous to holding the same.

3. The local county committee of said party may also raise the necessary amount to defray the expense of such primary elections by voluntary subscriptions from the public or by assessing the same in

an equitable manner against the candidates whose names are to be submitted to such primary elections, and no candidate's name shall be printed on any ballot until he shall have paid the amount assessed against him.

4. The chairman of the local county committee of said party shall call a meeting of the candidates who have paid the amount assessed against them fifteen days, or fourteen days if the fifteenth day falls upon Sunday, before the said primary election is appointed to be held, and shall on that day close the list for the candidates to be voted for at the said primary election, and the said candidates shall each give to the said chairman the names of three voters, not directly benefited by the result of such primary election, of each precinct in the county (the same names may be furnished by more than one candidate), and said names shall be listed by precincts and said lists handed to the judge of the county court by said chairman, from which names the said judge shall select three persons to conduct said primary election at their several precincts, any of whom may act as judge or clerks of election as they may decide, and each to have equal voice in the matter of deciding all questions that may arise in the conduct of such election, and the compensation of each shall be two dollars for their services in conducting said election and making the returns to the local county committee as may be required by the rules and regulations upon which such primary election is held. The persons so appointed to conduct such primary election, before entering upon the discharge of their duties, shall take and subscribe the following oath:

I, A. B. C., appointed to conduct the primary election to be held by ——— party, do solemnly swear (or affirm) that I will perform the duties devolving upon me in conducting the said primary election according to the rules and regulations prescribed by the local county committee of said ——— party to the best of my ability, and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting this election. So help me God.

If there is no one present authorized to administer oaths the persons appointed to conduct the election may administer to each other the oath above provided.

5. The persons so appointed for the purpose of conducting the said primary election shall have the rights, powers and privileges, and be subject to all the penalties of judges of the general election.

6. It shall be the duty of the chairman of the local county committee, within five days of such primary election to cause to be printed a number of ballots equal to twice the number of votes usually polled by the party holding the said primary election. These ballots shall contain the names of all candidates who have paid the amount assessed against them as such, printed in black ink, immediately below the office for which they have so announced their candidacy and in alphabetical order, and a distinguishing mark designating them as official ballots to be furnished by said chairman, and of the said ballots they shall make as many sealed packages as there are voting places in the county, one for each precinct, which packages shall contain, at least twice as many ballots as there are votes usually

polled at such precinct by the party holding such primary election, and upon each of said sealed packages there shall be endorsed the name of said precinct for which it is intended and the number of ballots therein contained. The said packages shall remain in the possession of the secretary of the local county committee until delivered by him to one of the persons appointed to conduct such primary election at the several precincts, and when the said sealed packages are delivered to one of the persons appointed he shall take a receipt, which shall state that the seals appear to be untampered with, which said sealed packages of official ballots shall be delivered by said secretary of the local county committee not later than the noon of the day preceding such primary election, and for said service he shall receive the sum of fifteen dollars, to be paid out of the funds provided for conducting such primary election. The printer shall print the number of ballots required by the chairman of the local county committee, and in case more are printed he shall at once destroy those in excess of the number required to be printed. Any member of the local county committee, the printer who shall print the official ballot, or any person or persons who shall print or cause to be printed a duplicate thereof, any person appointed to conduct such primary election, or any other person who shall give or sell to any person whatsoever, except where provided for in this act, any official ballot, or any copy or any fac simile of the same, or any information about the same, or shall counterfeit or shall attempt to counterfeit the same, or willfully and corruptly failing to perform the duties of this section, or intentionally violating any of the provisions of this section, or opening any sealed package except as specially provided for in this act, shall be deemed guilty of a misdemeanor, and shall be punished with a fine of not less than fifty dollars nor more than two hundred dollars, and be imprisoned not less than ten days nor more than three months in jail.

7. The said sealed package of ballots at the opening of the polls shall be opened in the presence of the three persons appointed to conduct such primary election, after they shall have taken and subscribed to the oath herein provided.

8. Any voter unable to read the ballot may select some one to prepare the same, and said ballot shall be prepared within the reserved space of forty feet, at a point to be designated by the conductors of such primary election, and the voting may continue while such ballot is being prepared. Any voter physically unable to walk to the voting place may be conveyed thither and left in the care of the persons conducting the said primary election until they shall have received and deposited his ballot, when he shall be removed by the person or persons who carried him thither. If either of the three persons conducting such primary election disclose the name of any candidate or candidates voted for by the votes, or voters whose ballots they shall have prepared under the authority given by this section, he shall be subject to the same penalties provided for the violation of section six of this act, and the same penalties shall also apply for the violation of section seven of this act.

9. Should either of the persons appointed to conduct such primary

elections fail to attend at any voting place for one hour after the time prescribed in this act for opening the polls, it shall be lawful for the person or persons appointed and in attendance to select from among the bystanders one or more persons, as may be necessary, who shall act as conductors of such primary election; provided, however, that if the person or persons appointed to conduct such primary election present have information that the absent person or persons appointed to conduct such primary election will not attend, he or they need not wait for the expiration of one hour or any time. Should all the persons appointed to conduct such primary election fail to attend, their places may be filled as provided for in section one hundred and seventeen of the code of eighteen hundred and eighty-seven.

10. At all primary elections the polls shall be opened and closed at each precinct at the hour named in the rules and regulations of the local county committee for the holding of such primary election, and as soon as the polls are closed, of which proclamation shall be made by the persons conducting such primary elections fifteen minutes previous thereto, and before the ballot-box shall be opened there shall be admitted to each polling precinct not exceeding three nor less than two inspectors, who may be selected by the candidates in such manner as they may agree. Thereafter the vote shall be canvassed as provided by section one hundred and twenty-nine of the code of eighteen hundred and eighty-seven, and returns made to the local county committee as they may provide in the rules and regulations under which such primary is conducted.

11. The ballot-boxes, poll-books, and other necessary material for conducting such primary election shall be provided by the local county committee.

12. Any person who knowingly or willfully votes, or attempts to vote, at such primary election contrary to the rules and regulations governing same, or who fraudulently registers for the purpose of voting, or any voter who shall vote under an assumed name, or shall attempt to vote more than once, or shall attempt to vote in any way that would be illegal in a general election, or shall bribe or attempt to bribe or induce another to vote illegally, or shall receive any money, goods, or chattels for his vote, or any candidate who shall give to any voter any money, goods, or chattels for his vote, or any person who is not a member of the political party holding such primary election, shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than three hundred dollars, and be imprisoned in the county jail not less than thirty days nor more than twelve months, and the person bribing or attempting to bribe, or receiving a bribe, shall, in addition to the penalty imposed by this section, be forever disfranchised from the exercise of his election privilege.

13. This act shall be in force from its passage.

CHAP. 399.—An ACT empowering the board of supervisors of Buchanan county to increase the salary of the judge of the county court of said county.

Approved February 20, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Buchanan county be, and they are hereby, authorized and empowered to increase the salary of the county judge of said county to the sum not to exceed the sum of three hundred dollars per annum, and that said salary be a charge upon said county and be levied, collected and paid as the law prescribes for the payment of county judges.

2. This act shall be in force from its passage.

CHAP. 400.—An ACT to amend and re-enact section nine of an act of the general assembly of Virginia, approved March 8d, 1894, entitled an act to provide a new charter for the town of Clintwood, in Dickenson county.

Approved February 20, 1896.

1. Be it enacted by the general assembly of Virginia, That section nine of an act of the general assembly of Virginia, approved March third, eighteen hundred and ninety-four, entitled an act to provide a new charter for the town of Clintwood, in Dickenson county, be amended and re-enacted so as to read as follows:

§ 9. He shall, by virtue of his office, preside over the meetings of the council, voting only in case of a tie; and he shall also, by virtue of his office, possess all the power, authority, and jurisdiction of a justice in civil matters within the corporate limits of the town, and in criminal matters within said limits and one mile beyond the same.

2. This act shall be in force from its passage.

CHAP. 401.—An ACT to amend and re-enact section 3 chapter 73 of the acts of assembly for the extra session of 1887, entitled an act to amend an act entitled an act for working the public roads of Fairfax county.

Approved February 20, 1896.

1. Be it enacted by the general assembly of Virginia, That section three of chapter seventy-three of the acts of assembly for the extra session of eighteen hundred and eighty-seven, entitled an act to amend an act entitled an act for working the public roads of Fairfax county, be amended and re-enacted so as to read as follows:

§ 3. The board of supervisors of said county shall have the power, and it shall be their duty, to make such rules and regulations as

they may think proper to secure an efficient and thorough working of the roads of said county, such rules and regulations to prescribe the method of working, the time of the year for working, the material to be used, the grade of the roads, and whatever else may be thought necessary to carry out the purpose of this section, such rules and regulations to be from time to time published, in the discretion of the board, for the information of the public and the officials created by this act. Such rules and regulations shall be obeyed and executed by all of the officials and employees created by or mentioned in this act. The board of road commissioners of each district shall see that the overseers of said district work the roads therein in accordance with said rules and regulations and in accordance with any specific directions in writing that the board of road commissioners may give to the overseers, not in conflict with such rules and regulations. The board of road commissioners may purchase the necessary implements for working the roads, but no board shall incur any debt, or draw orders upon the county treasurer in excess of the amount then available for that district. Nothing contained in this act shall be construed as having any reference or application to the Little river turnpike road, running from the Loudoun line to the Alexandria line; to the Warrenton turnpike road, running from the Prince William line to the Little river turnpike; to the Alexandria turnpike road, running from the Loudoun line through the town of Falls Church to the Alexandria line, and to the road running from Harrison's crossing to Annandale.

2. All acts and parts of acts in conflict with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 402.—An ACT to authorize the board of supervisors of Henrico county, Virginia, to adopt sanitary rules and regulations for that portion of said county lying within three-fourths of a mile of the corporate limits of the city of Richmond.

Approved February 20, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Henrico county, Virginia, shall, at their regular meeting in April, eighteen hundred and ninety-six, or as soon thereafter as is practicable, adopt such rules and regulations as may to them seem expedient to carry into effect the following sanitary provisions for that portion of Henrico county lying within three-fourths of a mile of the corporate limits of the city of Richmond; provided, however, that nothing in this act shall apply to the town of Barton Heights, in said county; and provided, further, that no fines shall be imposed for the non-performance of any of the rules and regulations of the said board other than those imposed by this act for failure to carry out the provisions of this act.

2. No part of the contents of any privies, privy vaults, or privy

boxes shall be removed or transported therefrom except by such means and appliances as may be approved by the board of supervisors; and the means adopted shall be such as will prevent the contents of such privies, privy vaults, or privy boxes from being exposed to the open air during the process of removal, and such removal shall be made between the hours of ten post meridian and four ante meridian.

3. The board of supervisors shall, during the month of March or April, contract for a term of one or more years for the removal of night soil from within the limits prescribed by this act by such process as may be determined on under the preceding section; provided that in no case shall the charge for such service exceed the price of fifty cents for a single privy and seventy-five cents for a double privy. The charge for said work shall be paid in advance by the occupant of each lot upon which the said service is rendered, and if upon a vacant lot, by the owner or agent. The contractor shall give his receipt for the same, and if he fail to cleanse any premises for which he has been paid within three days after such payment he shall be fined not less than five dollars nor more than ten dollars, and each day the failure continues after the imposition of such fine shall be a separate offence subject to a like penalty.

4. No owner or occupant of any premises within the boundary prescribed in this act shall bury or cover up any night soil on such premises, or in any alley, street, vacant lot, or road within said boundary except by special permit of the board of supervisors, and this permit shall in no case be given until the person so applying shall first have proven by competent witnesses before the said board that the issuance of such permit would not endanger the health of the persons living adjacent thereto. Any person violating the provisions of this section shall be fined not less than five nor more than ten dollars.

5. The person or persons who contract with the board of supervisors for the removal of the night soil shall in each case immediately after its removal deodorize and disinfect the place from which the said soil was removed, using such disinfectants as the said board may prescribe, and they shall select places of deposit to be approved by the said board, the said places of deposit to be kept deodorized and disinfected at all times if in the judgment of the board of supervisors it is necessary so to do. Failure to comply with the provisions of this section shall subject said person or persons so contracting to a fine of not less than ten nor more than twenty dollars for each offence.

6. The board of supervisors shall require the person or persons to whom shall be let the contract provided for in this act to give bond in the penalty of not less than two hundred dollars, and more if they deem proper, for the faithful performance of the duties required of him or them.

7. No person other than those to whom the contract for so doing has been let shall remove any night soil from any premises within the boundary herein prescribed. Any person violating this section shall be fined one dollar for each offence.

8. This act shall be in force from its passage.

CHAP. 403.—An ACT to provide for working and defining the boundaries of certain roads in Fairfax county.

Approved February 20, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the board of supervisors of Fairfax county to take and hold the full and exclusive control and management of the following named public roads in the said county: The Little river turnpike road, running from Loudoun county to Alexandria city; the Warrenton turnpike road, running from Prince William county to the Little turnpike road; the Alexandria turnpike road, running from Loudoun county to Alexandria city, and the road running from Harrison's crossing to Annandale, and they shall have the power to make rules and regulations for the working of the said roads, to enter into agreements and contracts to employ labor and purchase material and to do whatever else they may think proper and necessary to put and keep the said roads in good condition, all expenses of every kind incurred in carrying out the provisions of this section to be paid from the county levy.

2. If there shall be any doubt touching the boundary lines between the said roads, or any of them, or any part of any of them, and any land-owner or land-owners, the said board of supervisors may apply to the county court of said county for the appointment of commissioners, and thereupon it shall be the duty of said court to appoint three disinterested citizens of said county commissioners to ascertain and report the true boundary line or lines in the case in doubt. Upon the filing of the report of the commissioners the said court shall cause a rule to be served on the land-owner or land-owners whose rights and interests may be effected to show cause why the report should not be confirmed, the rule to be served in the manner provided for the service of process by section nine hundred and forty-nine of the code of Virginia. When the said rule is returned executed the matter shall be heard by the court without a jury, upon the report and such testimony as may be offered, and judgment given by the court. The board of supervisors or any owner or owners feeling aggrieved shall have a right of appeal as provided by section thirty-four hundred and fifty-three of the code of Virginia and other sections of chapter one hundred and seventy of the said code, relating to appeals from orders made in controversies concerning roadways. The court shall order to be recorded by the clerk in a book to be kept for that purpose, or any book that may now be used for recording proceedings in road cases, so much of the proceedings as will show clearly the boundary line or lines established. The court shall have full discretion to determine by whom the costs shall be paid, and all costs charged to the board of supervisors shall be paid out of the county levy.

3. All acts or parts of acts in conflict herewith are hereby repealed.

4. This act shall be in force from its passage.

CHAP. 404.—An ACT to provide for working and keeping in repair the public roads of Buchanan and Dickenson counties.

Approved February 20, 1896.

1. Be it enacted by the general assembly of Virginia, That in and for the counties of Buchanan and Dickenson the board of supervisors of their respective counties are hereby made and constituted a road board of their respective counties, and as such shall have worked and kept in repair the public roads of their respective counties by adopting such rules and regulations as they may deem proper, expedient, and necessary,

2. The said road board is empowered and authorized to levy a road tax of not exceeding twenty cents on the one hundred dollars' worth of property for each year; for the year eighteen hundred and ninety-six said road board shall, in the month of April, make the levy for eighteen hundred and ninety-six, and for each subsequent year said levy shall be made at the time when the said board makes its annual levy, said road levy to be collected and accounted for by the county treasurer, but the tax so levied and collected in each district shall be used and applied in their respective districts by said road board.

3. The said road board shall meet at such times as they deem proper to carry out the provisions of this act, and be paid the same fees now allowed supervisors in said counties, provided that said board shall not be paid for more than five days for any one year under the provisions of this act.

4. The clerk of the county courts for the respective counties shall perform the duties of clerk for said board, who shall receive for his services such sum as said board may deem right and proper.

5. This act shall be in force from its passage.

CHAP. 405.—An ACT for the relief of the Orient company, of Hartford, Connecticut.

Approved February 20, 1896.

Whereas the Orient insurance company, of Hartford, Connecticut, a foreign insurance company doing business in this state, has on deposit with the state treasurer bonds amounting to fifty thousand dollars, as required by section twelve hundred and seventy-one of the code of Virginia; and

Whereas the said Orient insurance company has reduced its capital stock from one million dollars to five hundred thousand dollars, and should therefore only be required to deposit twenty-five thousand dollars in bonds with the state treasurer: therefore,

1. Be it enacted by the general assembly of Virginia, That upon satisfactory evidence to the state treasurer that the said Orient

insurance company has reduced its capital stock as aforesaid, the treasurer shall allow the said company to withdraw such part of its deposit as will leave in the hands of the treasurer bonds amounting to not less than five per centum on its present capital stock of the five hundred thousand dollars, as now required by section twelve hundred and seventy-one of the code of Virginia: provided, however, that the treasurer shall take care that the bonds retained in his possession shall be equal in value to the liabilities of said company upon its policies to persons residing in this state, both fixed and contingent.

2. This act shall be in force from its passage.

CHAP. 406.—An ACT to amend and re-enact sections 7, 8, 9, 10 and 25 of an act entitled an act to regulate and control guaranty, trust, indemnity, fidelity, and other like companies having for their purpose, or one of their purposes, to become security for the faithful performance of any trust, duty, contract, agreement, or bond, public or private, official or otherwise, or to assume any duty or obligation of like nature as principal or otherwise, or to become fiduciary, approved March 5, 1894

Approved February 21, 1896.

1. Be it enacted by the general assembly of Virginia, That sections seven, eight, nine, ten and twenty-five of an act entitled an act to regulate and control guaranty, trust, indemnity, fidelity, and other like companies having for their purpose, or one of their purposes, to become security for the faithful performance of any trust, duty, contract, agreement, or bond, public or private, official or otherwise, or to become fiduciary, approved March fifth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 7. Securities to be deposited with the treasurer.—Every such company, whether incorporated by the laws of this state or not, shall, by an agent employed to superintend or manage its business in this state, deliver, under oath, to the treasurer of this state a statement of the amount of capital stock of said company, and deposit with him bonds of the state of Virginia or of the United States, or bonds of the cities of Richmond, Petersburg, Lynchburg, Norfolk, Alexandria, or Danville, to an amount equal to five per centum on said capital stock, and the treasurer shall thereupon give the agent a receipt for the same; provided that the cash value of the securities so deposited need not be more than *twenty-five* thousand dollars nor shall be less than *twelve thousand five hundred* dollars. *Said securities shall be assigned to said treasurer and his successors in office in trust for the purposes of this act.* Upon the exhibition of the said receipt to a commissioner of the revenue of the county, city or district in which an office of the said company in this state is, or is intended to be, located, and the payment of the specific license tax which may be imposed thereon, a license shall be issued in the manner prescribed by law to the said company to carry

on its business. And if, at the end of the period for which a license is given, the said company desire another license, it shall only be given on the certificate of the treasurer that the bonds required by this section to be deposited with him are in his possession. The treasurer, shall require any such company to make good any depreciation or reduction in value of said securities, and he shall, in the month of December of every year, examine all securities so deposited with him for the purpose of ascertaining whether any of them have depreciated or have been reduced in value.

§ 8. Companies to draw interest on securities.—The treasurer, at the time of receiving said bonds, shall give to the company authority to draw the interest thereof, as the same may become due and payable, for the use of the company, which authority shall continue in force until the company fails to pay any of its liabilities in this state by reason of its becoming security, as aforesaid, or by reason of its assuming any duty or obligation of like nature, as principal or otherwise, or becoming fiduciary, and which failure has been ascertained by agreement of the parties binding on such company, or by judgment, order, or decree of a court of competent jurisdiction against such company, not appealed from, superseded or stayed; and, in case of such failure so ascertained, the party charged with the payment of such interest shall be notified of such failure; and thereafter such interest shall be payable to the treasurer, to be applied, if necessary, to the payment of such liabilities.

§ 9. Sale of securities to pay liabilities.—If the said company fail to pay any of its liabilities after the same shall have been ascertained by any agreement of the parties, binding on such company, or by judgment, order or decree of a court of competent jurisdiction against such company, not appealed from, superseded or stayed, the treasurer shall, upon the application of the party to whom the debt or money is due, proceed to sell at auction such an amount of said bonds as with the interest in his hands will pay the sum due and expenses of sale, and out of the proceeds of sale pay said sums and expenses; provided the treasurer give the said company, or its agent in this state, ten days' notice, by mail or personally, of the time and place of said application. Any such sale shall be advertised daily for ten days in some newspaper published in the city of Richmond.

§ 10. Lien on securities.—Upon the bonds deposited, as aforesaid, with the treasurer, any party or person who is a citizen of this state who may be interested in the faithful performance of any such undertakings or obligations of such company, whether as principal or surety, shall have a lien for the amounts due or to become due in consequence of any failure in the performance, and shall be entitled to be paid ratably out of the proceeds of such bonds if such proceeds be not sufficient to pay all the liabilities of such company. Whenever any such company depositing bonds, as aforesaid, shall have become insolvent or bankrupt, or shall have made an assignment for the benefit of its creditors, it shall be the duty of the attorney-general to file a bill in the circuit court of Richmond in the name of any party or person interested in securing the payment or the enforcement of such liabilities, and to convene all parties in interest

and to enforce the said lien. The treasurer shall be a party and the funds distributed by the court.

§ 25. *Civil proceedings against any such company may be instituted in the same manner and form as provided by the laws of this state for proceedings against other corporations.*

2. This act shall be in force from its passage.

CHAP. 407.—An ACT to improve the main thoroughfares of the county of Orange.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Orange county are hereby authorized to levy a tax of not exceeding fifteen cents on the hundred dollars of real and personal property of said county, to be collected as other taxes are now collected, said tax to be in addition to the district or any special tax now authorized by the general road law, and said tax to be kept by the treasurer of said county as a separate fund, and to be expended in the improvement of not exceeding two hundred miles of the main thoroughfares of Orange county, and the amount to be expended upon each mile of said thoroughfares shall not exceed the sum of twenty dollars per mile, and the said thoroughfares to be selected in the manner hereinafter provided.

2. Three disinterested freeholders of Orange county, one being skilled in road-making or improvement in roads, with the county surveyor, shall be appointed by the board of supervisors of said county on or before the first day of December, eighteen hundred and ninety-six, the said three disinterested freeholders to be residents of said county and living in different townships of said county. The said three disinterested freeholders shall select the said two hundred miles of main thoroughfares which are to be improved. Fifty miles of said two hundred miles shall be in Madison township, fifty miles in Barbour township, fifty miles in Taylor township, and fifty miles in Gordon township, and shall divide the said two hundred miles into sections not exceeding ten miles in length, and they shall let the said sections to the lowest bidder, after having advertised the terms, time, and place of letting for thirty days in some newspaper circulating in the said county, or by hand-bills, as to them may seem best. They shall have the power to reject any or all bids, and the person, or persons, to whom the contract, or contracts, for improving any of the said sections of the main thoroughfares may be awarded shall execute bond, with good security, in the penalty of at least the amount of his bid, and conditioned for the faithful performance of his duty in improving said thoroughfares. Upon the completion of the section, or sections, for which any person may have taken the contract, the said disinterested freeholders, if satisfied that the contract of said bidder has been fully complied with and the road

improved in accordance with the written contract and specifications (as presented by said board of freeholders), shall give a warrant for the amount due to said contractor on account of the improvement of said main thoroughfares, directed to the treasurer of Orange county, who shall duly honor the same when signed by the board of road commissioners and approved by the board of supervisors.

3. The said three disinterested freeholders shall be known as the board of road commissioners of Orange county, and all contracts made with them upon this designation shall be lawful and binding; and under such designation they shall have the power to sue and be sued, to make contracts and to discharge all duties appertaining to them in the improvement of said two hundred miles of main thoroughfares of Orange county.

4. The said board of road commissioners of Orange county shall select one of their members as chairman and one as clerk, who shall keep a record of all their proceedings, which record, when all of their duties shall have been discharged and ended under this act, shall be returned to and filed in the county clerk's office of Orange county, and be then received and filed in said office, open to the inspection of the public.

5. The said board of road commissioners of Orange county shall, for their services under this act, receive for every day's actual service in the discharge of their duty as said road commissioners the sum of two dollars each. The sum, however, received by said commissioners shall not in any one year exceed the sum of fifty dollars each. None of the board of road commissioners hereinbefore named shall in any wise be directly or indirectly interested in any contract for the improvement of said sections of main thoroughfares or any portion or portions thereof.

6. The first tax levied under this act shall be for one year, commencing on the first day of February, eighteen hundred and ninety-seven, and a tax shall likewise be levied at the rate of fifteen cents on the hundred dollars' worth of property as set forth in the first section of this act, for the year commencing on the first day of February, eighteen hundred and ninety-eight, after which there shall be no further levy of any tax under this act for the improvement of said main thoroughfares of said county.

7. The said two hundred miles of road to be improved under the authority of this act shall be divided into two parts, working one-half of the said two hundred miles during the year commencing on the first day of February, eighteen hundred and ninety-eight, equally divided among the four townships, and working the second one-half during the year commencing on the first day of February, eighteen hundred and ninety-nine, divided as above stated; and the said road commissioners shall have the power to designate which of the said two hundred miles of road shall be improved during the said years hereinbefore mentioned.

8. Should any controversy arise between said road commissioners and any contractor for the improvement of any of the said thoroughfares, the matters in controversy shall be referred without pleadings to the board of supervisors, who shall weigh the whole matter in con-

trovery and decide all differences; and should the road commissioners or contractor be dissatisfied or aggrieved by the decision of the said board of supervisors, they shall be entitled to an appeal to the county court of Orange county, who shall hear and decide the matters in controversy without formal pleadings, and the decision in the county court in the matter shall be final, from which there shall be no appeal.

9. The said road commissioners shall have supervision over the improvement of said roads, and observe the manner in which the contractors carry on their improvement of said main thoroughfares; and they shall watch the progress of the work and see that it is performed in accordance with the written contract and specifications which may have been entered into in regard to the same by the contractor or contractors, copies of said contracts to be delivered to the board of road commissioners, the board of supervisors, and the contractor.

10. The said road commissioners shall, on or before the first day of January, eighteen hundred and ninety-eight, select and designate by stones, stakes, or otherwise, the said two hundred miles of road which are to be improved, the said two hundred miles which are to be improved having been carefully surveyed by the county surveyor in his official capacity, under the supervision of said road commissioners; and they shall publish in some paper circulating in the county of Orange, by a general description, the said two hundred miles of road which are to be improved; and they shall advertise for proposals to improve said roads on or before the first day of February, eighteen hundred and ninety-eight, giving in their advertisement for said proposals, specifications of the character of the work to be done by the contractors for the improvement of said road. And the said road commissioners shall use their best judgment and discretion in making out the specifications for the improvement of said roads, having regard to the character of said roads and the amount to be expended in the improvement of the same.

11. In construing the amount of not more than twenty dollars to be expended upon each mile of said thoroughfares it is hereby declared to be the intent of this act that the average for each section shall not exceed twenty dollars per mile; and on any mile of said section a greater or lesser sum than twenty dollars may be expended as the character of the roads may indicate, the total average not to be greater than twenty dollars per mile for any section.

12. The bonds executed by the contractors for the faithful performance of their duties for the improvement of said sections shall be payable to the board of supervisors of Orange county, and in case of default action thereupon shall be had in the circuit court of Orange county; and in all other differences between the said board of road commissioners of Orange county and said contractors, except default as herein mentioned, jurisdiction for the determination of the same shall be as hereinbefore provided, in the board of supervisors with appeal to the county court.

13. The contracts for the improvements of the first one-half of the said two hundred miles of main thoroughfares shall be let on or

before the first day of March, eighteen hundred and ninety-eight, and for the second one-half of said two hundred miles of main thoroughfares the contracts shall be let on or before the first day of March, eighteen hundred and ninety-nine, and the contractors shall be required to complete their contracts for the improvement of said sections for which they have contracted within nine months from the first day of March of the year in which the contracts may have been let.

14. It shall be the duty of the commissioner of the revenue for Orange county to extend the special tax provided for in this act upon their books; and the said special tax shall be collected by the treasurer of Orange county, who shall add the same to the tax bills for said county and collect the said special tax at the same time that the other taxes for the said county are collected; and for his services in collecting the said special road tax he shall receive one per centum of the amount of road levy collected as his commission for collecting said special road levy in said county. All expenses incurred in the execution of this act shall be paid out of the special road levy herein provided for.

15. The sense of the qualified voters of Orange county on the adoption or rejection of this act shall be taken at the election to be held on the Tuesday after the first Monday in November, eighteen hundred and ninety-six; and to this end there shall be provided at the several voting precincts in the said county a special ballot box, in which shall be deposited the ballots of the qualified voters of said county, upon which said ballots there shall be written or printed the following words: "For the special road tax levy," "Against the special road tax levy," and in case a majority of the qualified voters of said county shall vote for the special road levy, this act shall be in force and virtue from and after the ratification of the same by the qualified voters of said county; and in case a majority of the qualified voters of said county vote to reject this act, it shall be of no effect.

16. All moneys raised by this special tax remaining over and unexpended after the completion of all contracts for the completion of the two hundred miles of main thoroughfares of Orange county shall be expended by the said board of road commissioners in the same rate in the various townships, and in the same manner and subject to the same conditions as in sections nine, ten and eleven of this act as the said road commissioners may elect, until the entire amount so collected by this special act shall have been expended on the main thoroughfares of the county.

17. All acts and parts of acts inconsistent with this act are hereby repealed; but this special act is not intended to interfere in any way with the law governing the working of the roads in Orange county, but is intended merely to provide for the improvement of the two hundred miles of the main thoroughfares herein mentioned.

CHAP. 408.—An ACT to amend and re-enact section 12 of an act entitled an act to amend and re-enact the charter of the town of Ashland, approved February 15, 1894.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That section twelve of an act "entitled an act to amend and re-enact the charter of the town of Ashland," approved February fifteenth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 12. For the purpose of paying the necessary expenses of said town, the said council shall have power to levy a poll tax or capita-tion tax, and also such a tax on all the taxable property in said town as they may deem proper, not exceeding one dollar on the hundred dollars in any one year. In consideration whereof the citizens and property of said town are hereby exempted from the payment of one-half of the county levy and from the payment of the county poll tax; provided that the county levy of Hanover county shall be considered to include, as it does now, the road taxes and poor rates; provided, further, that the said town of Ashland shall at its own expense provide for its own poor and keep its streets and roads in order; provided, further, that the citizens of, and property in, said town of Ashland shall be exempted from the payment of any special road tax which may hereafter be levied by said county. The council shall make such provision for the establishment and maintenance of public schools in said town as is provided by the general school laws of Virginia. The said council shall, upon the receipt from the commissioner of the revenue for Ashland district of a land and personal property book containing the land and personal property assessed for taxation in the corporate limits of the town of Ashland, also provide for the payment to the commissioner of the revenue for Ashland district, in said county of Hanover, of one-half of the commissions allowed by law to said commissioner of the revenue upon the property, real and personal, assessed for taxation within the boundaries of said town of Ashland, now due or which may hereafter accrue, the remaining half of said commissions to be paid according to law.

2. This act shall be in force from its passage.

CHAP. 409.—An ACT to amend the charter of the town of Keysville, Charlotte county.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled "An act to incorporate the town of Keysville, in the county of Charlotte," approved May twenty-fourth, eighteen hundred and

eighty-seven, be, and is hereby, re-enacted and amended so as to read as follows:

§ 1. That the town of Keysville, in the county of Charlotte, as the same has been or may be laid off into lots, streets, and alleys, shall be, and the same is hereby, made a town corporate by the name of Keysville, and by that name shall have and exercise all the powers, rights, privileges, and immunities, and be subject to all the provisions of chapter fifty-four of the code of Virginia of eighteen hundred and seventy-three, so far as the same relates to towns of less than five thousand inhabitants, and are not in conflict with the powers herein conferred.

§ 2. That the boundaries of said town shall be as follows, beginning as follows, namely: In the centre of King's road opposite the post-office; thence southeasterly five-eighths of a mile to a point where the lands of Miss Shelburne, F. J. Gregory, and G. R. Glinn join on the Keysville and Lunenburg courthouse road; thence south, following G. R. Glinn's eastern line, to where it joins the lands of Garland and Wilson, on the Keysville and Chase City dirt road; thence following this road southward to the corner of Garland and Wilson and the land of Mister Duffer; thence southwest, following Garland and Wilson and Mister Duffer's line to the Richmond and Mecklenburg railroad, to a point where Garland and Wilson, Mistress Jane T. I'Anson, and G. R. Glinn join; thence west to line of J. R. Bailey and Mistress Jane T. I'Anson on along the line of J. R. Bailey and J. F. Sharp to a point where the lines of J. R. Bailey and J. F. Sharp meet; thence along the line between J. R. Bailey and R. G. Bailey across the Keysville and Drake's Branch dirt road and across the Southern railway; thence following the line of John D. Priddy, deceased, Elizabeth Foster, Shotwell Powell, and the lands of Hardman and Rummell, to a point where the public school-house lot joins Charles Hawkins, on the Keysville and Smithville road; thence following said road eastward to where A. W. Keeling and Mount Ellis church lot join; thence following A. W. Keeling's line, Mount Ellis church lot line, Hardman and Rummell and C. E. Atwell, running north and following said Atwell's and R. W. Priddy's line to where the said R. W. Priddy and A. L. Van Ness corner; thence east following R. W. Priddy and A. L. Van Ness line to Keysville and Farmville road; thence following Keysville and Farmville road south to a point on the Southern railway where Shotwell Powell and Edward Thompson join; thence east along the line between Hardman and Rummell and Anthony Hankins and Shotwell Powell; thence to the Bagby's mill road; thence north along the Bagby's mill road to line between lands of E. N. and Z. T. Gee, and W. B. Green and Wyatt Gaines to a point where the lands of F. J. Gregory, Wyatt Gaines, M. H. Asher, and Miss Shelburne join; thence south along the line to corner of F. J. Gregory, Miss Shelburne, and G. R. Glinn, on Keysville and Lunenburg courthouse road; thence to the beginning.

§ 3. That J. O. Shelburne, mayor; E. H. Jeffress, R. W. Priddy, F. J. Gregory, R. G. Bailey, J. W. Morton, and H. W. Gamble, councilmen at the time of the amendment of this charter, shall continue

in office until their successors shall be duly elected according to law, and have qualified. And all ordinances and by-laws now in force shall be valid until amended or repealed by the council.

§ 4. That hereafter any person applying to the county court of Charlotte county for license to sell ardent spirits, in any way, within the corporate limits of said town of Keysville, or within one mile of the limits thereof, shall produce before said court a certificate from the council of said town to the effect that the applicant is a suitable person, and that no good reason is known to said council why said license should not be granted; and said court shall not grant any such license until and unless such certificate be given and produced before said court.

§ 5. That an election shall be held on the fourth Tuesday in May, eighteen hundred and ninety-six, and every two years thereafter, according to plan for conducting general elections in the state of Virginia, at which shall be chosen by the electors of said town a mayor, six councilmen, and a town sergeant, who shall hold office for two years, from first day of July, eighteen hundred and ninety-six, or until their successors have been duly elected and qualified. The town sergeant must execute bond for faithful discharge of the duties of his office. And he shall be liable to suspension by the mayor for willful neglect of duty or immorality. And on trial by the town council may be removed by said council, who shall elect his successor.

2. This act shall be in force from its passage.

CHAP. 410.—An ACT to provide a new charter for the town of Pocahontas.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That the territory contained in the following limits, namely: Beginning at a stake on the south side of the ridge north of Laurel creek, the north-east corner of the part of the town of Pocahontas known as the Browning addition; said stake is situated south twenty-eight degrees twenty minutes, east seventy-five feet, from a white oak, gum and maple, a corner of the lands belonging to Mistress J. S. Browning; thence with the lines of the said Browning addition south sixty-two degrees thirty minutes, west one hundred and sixty-seven and five-tenths feet, to a white oak and gum stump; south thirty-one degrees, west two thousand six hundred and ninety-two feet, to a small chestnut and laurel near the top of a spur west of Reed's branch, in a line of Mistress J. S. Browning's land; south fifty-eight degrees, east one thousand three hundred and thirty-seven feet, to a red oak and hickory on the east side of a spur of Laurel ridge; north thirty-three degrees fifteen minutes, east two thousand and seventy feet, to a stake between two spruce pine stumps on a northeast hillside; thence, leaving said Browning addition, south twenty-eight degrees twenty

minutes, east two thousand one hundred and two and five-tenths feet, to a stake on east end of a spur north of the Abb's valley road: north sixty-one degrees, east six thousand one hundred and seventy-eight feet, to a stake on the state line south of and near Roseville; thence with state line north forty degrees thirty-four minutes, west seven thousand one hundred and sixty feet, to a stake in a flat in an old field south of and near the D. K. Perdue house; thence south sixty-three degrees, west four thousand nine hundred and fifty feet, to a stake in the field on a south hillside above the spring; thence south thirty-two degrees fifty-five minutes, east three thousand five hundred and thirty-nine and three-tenths feet, to the beginning, shall be deemed and taken as the town of Pocahontas, and the inhabitants of the town of Pocahontas, for all purposes for which towns and cities are incorporated in this commonwealth, shall continue to be one body politic, in fact and in name, under the style and denomination of the town of Pocahontas.

2. The administration and government of said town shall be vested in one principal officer styled mayor, one body to be called the council of Pocahontas, and any such other bodies and officers as are hereinafter mentioned and provided for, or which may be provided for by the said council.

3. The municipal officers of the said town shall consist of a mayor, eight councilmen, a police justice, a recorder, a treasurer, a commissioner of the revenue, an assessor, a sergeant, and three policemen.

4. The mayor and council above provided for shall be elected by the legally qualified voters of the said town on the fourth Thursday in May, eighteen hundred and ninety-six, and every two years thereafter. The present mayor and councilmen of the town of Pocahontas shall continue in office and exercise the powers vested in them by law until the aforesaid mayor and councilmen shall, after election on the day and date above mentioned, have entered upon the discharge of their duties on the day prescribed by this act.

5. The election for all the last mentioned officers shall be held under and pursuant to the general laws of the state governing the election of city and state officers, the place of such election to be fixed by the council of said town. The term of office of said officers shall begin on the first day of July next succeeding their election.

6. The council of said town shall, at its first regular meeting after election, elect a sergeant, recorder, commissioner of the revenue, assessor, treasurer and police justice; all of said officers to hold office for two years from the date of their election or during good behavior.

7. The council shall annually elect one of its members president pro tempore, to preside at its meetings in the absence of the mayor or in case of his inability or refusal to act.

8. The mayor shall have the power to call a meeting of the council whenever he deems it necessary or when he shall be requested to do so by two members of the council in writing; and in case of his absence, inability, or refusal, so to do, the council may be convened by order of the recorder upon the request of any three members in writing, but no special meeting shall be convened until notice of the same in writing has been served on each member of the council in

person, or by leaving a copy of such notice at his usual place of abode, at least twenty-four hours prior to such meeting.

9. The council shall by ordinance fix the time for holding their stated meetings, and no business shall be transacted at a special meeting except that for which it shall have been called, and the notice to be served on each member as hereinbefore provided for shall plainly state the time, place, and object of such special meeting.

10. The council of said town shall have authority to adopt such rules and to appoint such officers and committees as it may deem proper for the regulation of its proceedings and for the convenient transaction of business, to compel the attendance of absent members, punish members for disorderly conduct, and by a vote of three-fourths of the entire council may expel a member for malfeasance or misfeasance in office.

11. The council shall keep a minute book, in which the recorder shall note the proceeding of each meeting, and he shall record the proceedings at large in the record book, and keep the same properly indexed; the majority of the council shall constitute a quorum for the transaction of routine business, but no ordinance shall be passed or resolution adopted, having for its object the appropriation of money, except by a concurrence of a majority of the entire council, exclusive of the mayor, and no question decided at a regular meeting shall be reconsidered at a special meeting except by the consent of two-thirds of the entire council.

12. The council shall have, subject to the provisions of this act, control of the fiscal and municipal affairs of said town and all property, real and personal, belonging to said town, and they are hereby vested with power to make such ordinances and by-laws relative to the same as they may deem proper; and they shall likewise have power to make such by-laws, ordinances, orders and regulations as they may deem necessary to carry out the foregoing and following powers which are hereby given and vested in said council:

13. To erect and keep in proper condition all public buildings necessary and proper for the use of said town; to erect and maintain in said town a prison, said prison to contain such apartments as shall be necessary for the safe-keeping of all persons confined therein, and to establish a chain-gang, and require offenders under sentence for violation of the laws and ordinances of said town to work therein on the public streets, roads or buildings of said town.

14. To determine and designate the route and grade of any railroad to be laid out in said town, and to restrain and regulate the rate of speed of locomotive engines and cars upon the railroads within said town.

15. To direct the location of houses or buildings to be used for the sale or storage of gunpowder, dynamite or any combustibles, and to regulate the sale and use of all such substances in said town; to regulate the exhibition of fire-works, the discharge of fire-arms, and to restrict the making of bonfires, either on public street or private property in said town; to fix and prescribe a fire limit as follows: The fire limit shall extend two hundred feet from either side of Centre street on Railroad avenue, and two hundred feet on either

side of Centre street on Water street, and two hundred feet on either side of Centre street on Rolfe street. This ordinance shall not conflict with the general fire limit ordinance. The fire limit in said town shall be as follows: From the Norfolk and Western freight depot up Centre street to Rolfe street, on Saint Clair street; from west end of same to Moore street; on Church street from west end of same to Moore street; both sides of the streets within the bounds mentioned are included in the fire limit for a distance of two hundred feet.

16. To prevent hogs, dogs and other animals from running at large in said town, and to subject the same to such regulations, confiscations and taxes as they may deem proper, and to prevent the riding or driving of horses or other animals at an improper speed, throwing stones, snow-balls, or other sports or employments on the streets or alleys of said town, which may be deemed dangerous or annoying to citizens or passengers of said streets and alleys, as well as to punish the abuse and cruel treatment of horses or other animals in said town.

17. To arrest and punish drunkards, beggars and vagrants; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gaming houses; to prevent and punish lewd and indecent conduct and exhibitions in said town; and for any violation of such ordinances may impose fines in addition to those prescribed by the laws of the state.

18. The council of said town shall have such rights of eminent domain for the purpose of opening streets and alleys as is given to public corporations by the laws of the state of Virginia, and the council shall have the same authority and jurisdiction over the same as it has over those ceded by deed or otherwise; and in every case where a street in said town shall be encroached upon by a fence, building or otherwise, the council may require the owner or occupant to remove the same within such time as the council may prescribe, and may impose a penalty for each and every day the same may be allowed to remain, or may, after reasonable notice, remove the same at the expense of the owner and collect the expense thereby incurred in the same manner provided for the collection of taxes.

19. The said council shall have power to lay and levy a tax not exceeding fifty cents on the one hundred dollars value of all property, real and personal, of the said town for the general purposes of said town, and in addition thereto a tax not exceeding twenty cents on the one hundred dollars of property, real and personal, in said town for the benefit of the public schools of the said town, and a poll tax of fifty cents on each male citizen thereof over twenty-one years of age, and the said town shall have like powers of distress, levy and sale for the collection of such taxes as are now given to state officers for the collection of state taxes. The council shall have like powers to levy and collect a special license tax on all mercantile business, professions, shows, operas, dances, peddlers, and business of like nature as are now imposed by the laws of the state of Virginia for state purposes; provided that in any case where there

is no tax imposed by the laws of said state the said council shall have power to levy such tax as it may deem just.

20. No license shall be granted to any person, club, or corporation to sell wine, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits, either by wholesale or retail, or to be drank at the place where sold, or in any other way within the corporate limits of said town or within one mile thereof, without, unless and until the applicant shall produce to the court or other officer authorized to grant such license the written consent of the council or the town of Pocahontas, and upon the production of the record of said council to the said court as aforesaid, showing such consent of said council and specifying the place where to be sold and in what manner, that the applicant is a corporation chartered under the laws of the state of Virginia, or if the applicant is not such a corporation that the person so applying is sober, discreet, and of good moral character, that the place is a suitable and convenient one, that said applicant has paid into the treasury of the town of Pocahontas in lawful money of the United States the sum of one hundred and fifty dollars, and to the treasurer of Tazewell county the amount of tax required by existing laws to be paid to the state for the exercise of said privilege, then said court shall grant such applicant a license to sell any or all of the things mentioned in this section by wholesale, retail, or to be drank at the place where sold; provided that if such applicant desire to sell at wholesale, he or it shall pay into the treasury of the said town the sum of five hundred dollars, unless he or it desire to sell malt liquors only by wholesale, in which case he or it shall pay the sum of three hundred dollars, but license shall not be granted to any corporation or person to sell in more than two of the modes herein designated, nor shall any such license be granted until the applicant shall execute bond in the county court of Tazewell county, with good security, in a penalty of five thousand dollars, conditioned according to law. Any person or corporation who shall without first securing a license as required by the foregoing section sell wine, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, or fruits preserved in ardent spirits, either by wholesale, retail, or to be drank at the place where sold, or any other way, within the corporate limits of said town or within one mile thereof, shall be punished with a fine of fifty dollars for each offence, and if the fines and costs of such prosecution be not at once paid the offender shall be forthwith committed to jail of said town until said fine and costs be paid or he be discharged by due process of law; and any person found guilty of the offence may be required by the officer who shall try said case to give bond in a reasonable sum to be of good behavior for twelve months, and in default of said bond the accused shall be committed to jail until he does give it or be discharged by due process of law.

21. The mayor.—The mayor shall preside at all meetings of the council, and shall sign all ordinances enacted by the said council and all warrants drawn upon the treasurer of said town by the said council; he shall have access to all books and accounts of each of

the officers thereof and authority to examine same; he shall have power to suspend or remove any officer of the said town for malfeasance or misfeasance in office, and shall report the same, with his reasons for so doing, to the council at its next regular meeting, where the officer so removed shall have the right to appear and make defence to such charges as may be preferred against him, and no officer removed by the mayor shall be re-instated, except by a three-fourths vote of the council; he shall at least twice a year, and may do so as often as he deems necessary or be requested to do so by the council, communicate to the council in writing the general condition of the affairs of the town, with such recommendations as he may deem necessary; he shall have power to fill any vacancy that may occur in any office by death, sickness, or any other disability temporarily or until the first regular meeting of the council; he shall receive for his services a salary of sixty dollars per annum, payable monthly out of the treasury of the said town, and he shall receive no other compensation.

22. Police justice.—The police justice shall be, and is hereby, invested with jurisdiction and authority to try and determine all cases arising by reason of violation of any of the laws and ordinances of said town, and impose such fines and penalties for violation of the same as he shall deem just where the amount of the penalty or fine for such violation of such laws and ordinances is not fixed by the same, and he shall have the same jurisdiction to try and determine civil causes as the justices of the peace of the state of Virginia now have, and shall receive like fees therefor. He shall also have the same jurisdiction as the justices of the peace in all offences against the laws of the commonwealth of Virginia, but he shall receive no fees for such services, and fees arising through his office, except in civil causes, shall be collected by the sergeant and paid into the town treasury. He shall make a report of the affairs of his office to the council of said town at its first regular meeting in each month, or oftener if the council shall request same. He shall receive as compensation for his services, six hundred dollars per annum, payable monthly by the said town, and he shall receive no other compensation from the said town.

23. Recorder.—The council, at its first regular meeting in July, shall elect some person, not a member of the body, recorder and commissioner of the revenue, who shall correctly note the proceedings of each meeting in a minute book, and he shall afterward record and properly index said proceedings in a book to be known as the record book; he shall also see that the license laws of the town are faithfully performed, and shall receive as compensation for his services the fees now allowed by law to the commissioner of the revenue, to be paid by the person applying for such license, and he shall receive no other compensation.

24. Assessor.—The council shall annually elect an assessor, who shall assess the value of all real and personal property in said town according to the laws of the state of Virginia; he shall also make out all tax tickets and deliver the same to the treasurer of the town; he shall receive as compensation for his services the sum of one hun-

dred dollars, to be paid when the council is satisfied with the duties performed by him.

25. Sergeant.—The sergeant of the town of Pocahontas shall be elected by the town council of Pocahontas at its first regular meeting in July, or as soon after as may be practical. He shall have power, and it shall be his duty, to collect all fines and penalties which may be imposed by the police justice and arising from the police department, and he shall pay over the same to the treasurer of the town every week. He shall be ex-officio chief of police, and shall have and exercise all the powers of a police officer of towns and cities under the laws of the state of Virginia, but he shall have no power to execute any civil process. He shall attend all meetings of the council and shall make a report to that body at its first regular meeting in each month of the condition of his office, and may be required to do so at any time by the council. He shall execute bond in the penalty of five thousand dollars, with at least three sureties, to be approved by the council, conditioned according to law, for the faithful performance of his duty. He shall receive for his services a salary of seven hundred and twenty dollars per annum, payable proportionately at the end of each month, and he shall receive no other compensation.

26. Treasurer.—The council shall, at its first regular meeting in July, or as soon thereafter as may be practical, elect a treasurer, who shall serve for two years, or until his successor shall be elected. It shall be the duty of the treasurer to receive all moneys belonging to the town, to collect all taxes, assessments and licenses, and to pay out and disburse the same only on the written order of the council, signed by the mayor and attested by its recorder. He shall have power to appoint a deputy to assist him in the discharge of his duties. He shall make a report of the condition of his office at least once a month, and may be required to do so at the pleasure of the council. He shall, before entering upon the duties of his office, execute a bond in the penalty of five thousand dollars or more, in the discretion of the said council, conditioned according to law for the faithful performance of his duties, said bond to be signed by at least three sureties to be approved by the council. He shall receive as compensation for his services a salary of two hundred dollars per annum and five per centum on the collection of delinquent taxes.

27. Police.—The council shall, at its first regular meeting in July of each year, elect three citizens of the town of Pocahontas, who shall, with the sergeant, constitute the police force of the said town, and shall exercise all the duties and powers given to police officers under the laws of the state of Virginia; the said council may establish such rules and regulations for the government of said force as it may deem necessary; they shall receive a salary of six hundred dollars per annum each for their services, payable in equal instalments monthly, and they shall receive no other compensation.

28. The said council of said town is hereby empowered to borrow an amount not to exceed ten thousand dollars, and to issue the bonds of the said town therefor, to bear interest at a rate not greater than six per centum per annum.

29. That the money so borrowed by the said council shall be used and applied to the funding and liquidation of the indebtedness of the said town now outstanding. The said bonds shall be issued in the denomination of five hundred dollars each, and bearing interest, payable annually, at a rate not greater than six per centum per annum, the entire principal and interest thereof to be paid within five years, the said council to reserve the right and privilege of paying the whole or any part of said bonds at any time, and to be in form following:

Know all men by these presents, that the town of Pocahontas, Tazewell county, Virginia, is justly indebted to _____, or order, in the sum of five hundred dollars, redeemable at the pleasure of the council of the said town within five years from the date hereof, and payable on the _____ day of _____, nineteen hundred and _____, to bear interest at the rate of six per centum per annum from date, payable annually on the _____ day of _____, eighteen hundred and _____, at the office of the treasurer of the town of Pocahontas. In witness whereof the town council of Pocahontas has caused the corporate seal of said town to be affixed hereto and these presents to be signed by its mayor and attested by its recorder this the _____ day of _____, eighteen hundred and _____, and shall be signed by the mayor and the recorder, and have the corporate seal of the town of Pocahontas affixed thereto.

When the said bonds shall be issued in accordance with this provision of this act the property of the said town shall be pledged for payment and interest thereof according to their tenor, and the said council shall provide for the payment of accruing interest and at least one-fifth of the principal of the said bonds annually on or before the fifth day of May, and shall pay the interest accrued on all of said bonds, and redeem and cancel at least four of said bonds annually, and for the purpose of paying said interest and the redemption of said bonds the first money received from any source during the fiscal year of the tenure of said bonds shall be pledged. The said bonds may be issued and sold by the said council for the purpose of raising said sum of money, providing they shall not be sold for less than their par value.

30. The council may annually levy a tax for roads, streets, sidewalks, and all other purposes, by two-thirds vote, to be approved by the mayor, which on no property shall exceed fifty cents on the one hundred dollars valuation, except that on a petition of freeholders representing two-thirds of the valuation within the corporation the council may levy a corporation tax not to exceed the amount named in the petition. The poll-tax shall not exceed fifty cents on each male person in any one year. The persons and property within the corporate limits of said town shall be exempt from the payment of county levies for road purposes, maintaining the poor, and supporting the free schools so long as the said town shall keep up its own streets, maintain its own poor, and levy a special tax for the support of the free schools.

31. All acts and parts of acts inconsistent with this section of this act are hereby repealed.

32. This act shall be in force from its passage.

CHAP. 411.—An ACT to provide for working roads in Rappahannock county.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That Charles Green, of Hampton township, in Rappahannock county; C. C. Eastham, of Wakefield township, in said county, and R. E. Miller, of Stonewall township, in said county, be, and they are hereby, appointed road commissioners for the county of Rappahannock, who shall hold office for the term of four years, beginning on the first day of August, eighteen hundred and ninety-six, and shall qualify on or before that day by taking the usual oath of office before the judge of the county court of Rappahannock county, either in term time or in vacation.

2. The successors of the above named road commissioners shall be elected by the general assembly of Virginia, but should any vacancy occur in the office of road commissioners in the said county during the recess of the general assembly, then the same shall be filled by the board of supervisors of Rappahannock county at their first meeting after the vacancy, the appointee to serve until the election of his successor by the general assembly.

3. The said commissioners shall each represent two townships, and shall be known and constitute the road board of Rappahannock county, and by such name shall have the power to contract and be contracted with, sue and be sued, but no judgment against said board shall bind the members thereof personally. It shall be paid by the treasurer out of the county road fund.

4. The said road board shall have exclusive charge and control of the public roads and bridges of the county of Rappahannock.

5. The said board shall organize by the election of a chairman, who shall be ex officio clerk of said board.

6. Each member of said board shall receive for his services two dollars per day, but he shall not receive more than fifty dollars per annum, and the clerk of the board shall receive in addition twenty dollars per annum; the aforesaid sums to be paid by the treasurer on warrant of the board of supervisors of the county.

7. It shall be the duty of said road board, immediately upon its organization, to lay off the public roads of each magisterial district of the county into sections of such length as shall seem to them best, and the said board shall appoint for each section so laid off an overseer locally interested in the working of the section to which he is appointed.

8. The said road board shall set aside, out of the road fund for each district, the first year, ten per centum of said fund for contingent expenses, and at the beginning of every year thereafter shall set aside an amount equal to one-tenth of the road levy of the district, including what may be left of the contingent fund at the end of the year preceding in each district; the other nine-tenths of said road fund shall be expended by the said board in the manner hereinafter provided.

9. The said board shall apportion the road fund of each magisterial district among the overseers of the different sections of the district in proportion to the travel over the several sections of the district; one-half of the money proportioned to the different sections of the different townships shall be spent in the working of the roads between the fifteenth of August and the fifteenth of October of each year, and the other half shall be expended in the working of the roads between the fifteenth of April and the fifteenth of June of each year.

10. The chairman of the road board shall keep an account with the overseers of the different sections of each district of the county, and place to the credit of each the amount proportioned to be spent in their respective sections, and the said fund to be drawn out by an order on the treasurer of the county, countersigned by the chairman of the road board in the manner herein provided; that ten hours shall constitute a day's work; that the laborers employed in working the roads of the county shall be between the ages of eighteen and fifty, and for each day's work seventy-five cents shall be paid, and for each plow team and plowman two dollars per day shall be paid, and the same for every wagon team and teamster per day. The overseers of the different sections of the public roads shall issue to the laborers on said roads an order for the work performed by them within ten days after the work is completed, and the chairman of the road board shall act on said orders whenever the same are presented to him. And it shall be the duty of the chairman of the road board to attend on court day the county courts held for the county of Rappahannock in the months of May and June, September and October of each year.

11. C. C. Eastham, and his successor, shall supervise the roads of Wakefield and Jackson townships; Charles Green, and his successor, shall supervise the roads of Hampton and Piedmant townships; and R. E. Miller, and his successor, shall supervise the roads of Hawlin and Stonewall townships, and each of them shall inspect all of the roads that are worked by taxation in their respective townships in the months of November and June of each year.

12. Each overseer shall receive one dollar and twenty-five cents a day for every day that he works five hands or more, and every day in which he works less than five hands he shall receive one dollar per day, and shall be paid by drawing his order on the treasurer, countersigned by the chairman of the road board.

13. Each overseer appointed under the provisions of this act shall make out an account against the treasurer of the county for the work done by each laborer, stating the number of days such laborer was employed, the price paid for each day or part of a day, which account, when countersigned by the chairman of the road board, shall be paid by the treasurer of the county whenever there are any township road funds in his hands to the credit of the township from which the account is rendered.

14. The contingent fund herein provided for is only to be used between the fifteenth of October and the fifteenth of April, and the fifteenth of June and the fifteenth of August of each year, and then

only in the township for which the same was set aside and by order of the member of the road board for the respective townships.

15. It shall be the duty of the road board to have posted in each post-office of the county, on or before the fifteenth day of August in each year, the names of the overseers of each section of the district in which the post-office is situated, and the amount of the road fund apportioned to each section, and the amount of the contingent fund of that district.

16. All applications for the opening of new roads, the building of bridges, and changes and alterations in the public roads, shall be made to the road board of the county, whose duty it shall be to examine the applications and to open the proposed road, to build bridges, or to make the change asked for if a majority of its members shall deem it expedient so to do.

17. The road board of the county shall, upon agreeing to open or change any road in the said county, after giving ten days' written notice to the land holder or land holders whose land is to be effected by the proposed road or change, shall employ a competent surveyor, at a price not to exceed two dollars and fifty cents per day, to make the necessary surveys in changing or opening new roads; and the expenses of opening said roads shall be paid by a warrant issued by the chairman of the road board on the treasurer of the county, and shall be paid out of the county road fund.

18. If any party feels aggrieved by the action of the road board in opening any road or making any change in a public road, or in refusing to open any road or making any changes, or in assessing the damages for the taking of any property for the public use, such party or parties shall be entitled to an appeal from the action of the road board to the county court of the county of Rappahannock, which court shall direct a trial of the issue made upon the appeal, to be tried by a jury.

19. This law shall not be so construed in any way to conflict with the act to improve the main thoroughfares of Rappahannock county, approved February twenty-second, eighteen hundred and ninety-four.

20. All acts or parts of acts of the general road law of the state in conflict with this law is hereby repealed so far as it is applicable to the county of Rappahannock.

CHAP. 412.—An ACT to amend and re-enact section 2 of an act entitled an act to amend and re-enact section 10 of an act entitled an act to incorporate the town of Hampton in Elizabeth City county, Virginia, approved May 23, 1881, and to further amend and re-enact the said act by the adding of two additional sections thereto, to be known as sections 14 and 15 respectively, and to further amend and re-enact said act by changing the numbers of sections 14 and 15 in said act to 16 and 17 respectively, approved February 29, 1892.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That section two of an act entitled an act to amend and re-enact section ten

of an act entitled an act to incorporate the town of Hampton, in Elizabeth City county, Virginia, approved May twenty-third, eighteen hundred and eighty-one, and to further amend and re-enact the said act by the adding of two additional sections thereto, to be known as sections fourteen and fifteen, respectively, and to further amend and re-enact said act by changing the numbers of sections fourteen and fifteen in said act to sixteen and seventeen, respectively, approved February twenty-ninth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 2. And be it further enacted by the general assembly of Virginia, That the said act entitled an act to incorporate the town of Hampton, in Elizabeth City county, Virginia, be further amended and re-enacted by adding thereto the two following sections, to be known, respectively, as fourteen and fifteen, which said sections shall be and become a part of said act as amended by this act, as follows:

§ 14. That in addition to the powers conferred by section ten hundred and thirty-eight of chapter forty-four of the code of Virginia of eighteen hundred and eighty-seven, the council of the town of Hampton shall have power to open or extend, widen or narrow, graduate, curb, and pave the streets, sidewalks and public alleys in said town, and to make such ordinances, by-laws, orders and regulations as it may deem necessary to prevent hogs, dogs and other animals from running at large in the limits of the town, and may subject the owners thereof to such fines, regulations and taxes as the council may deem proper, and may confiscate and kill said dogs, and sell the other of said animals at public auction to enforce the payment of said fine and taxes where said fines and taxes cannot otherwise be collected. And the said council, in addition to the powers conferred upon it by section ten hundred and forty-two of chapter forty-four of the code of Virginia, edition of eighteen hundred and eighty-seven, shall have power to require a license to be taken out by any person engaged in the business or occupation of dealer in or vender of what are generally known as bankrupt or fire-sale goods before such person shall be permitted to pursue such business or occupation within the corporate limits of said town; and for the exercise of such privilege the said council may impose such tax as to it may seem just and reasonable.

§ 15. That whenever any sidewalk or footway along any street or public alley is to be curbed and paved, or is required to be repaved, it shall be done at the cost of the owner of the lot along the front or side or sides of which such sidewalk or footway extends. In the construction of the proposed curbing and sidewalks or footways, or repairs to the same, the council shall first require the abutting owners to construct said sidewalks or footways, or repairs thereto, according to plans and specifications adopted by the council, in which case notice in writing shall be served upon said abutting owners to make said sidewalks or footways, or repairs thereto, within a reasonable time, to be designated in said notice. Such notice shall be served as notices are required to be served by law, and if, after the service of such notice, any abutting owner shall

fail, according to the terms of such notice, to make said sidewalks or footways, or repairs thereto, then the council may proceed to construct such sidewalk or footway, or make said repairs, at the cost of the abutting owner, and levy an assessment against the abutting property for the actual cost thereof; and said assessment shall be a lien upon the said abutting property and the rents thereof, which lien may be enforced as liens on real estate for town taxes are enforced. In all cases where a lessee or tenant shall pay the costs of any such curbing or pavement or repairs along the front or side or sides of the lot by him occupied, for which lot, by a contract with his lessor or landlord, he shall be bound to pay rent, the amount of any such costs paid by him, or collected from him, or made out of his property, shall be a good and valid set-off against so much of the rent due or accruing to his lessor or landlord as may have been so paid by, collected from, or made out of said tenant or lessee.

2. This act shall be in force from its passage.

CHAP. 413.—An ACT to amend and re-enact sections 4, 52 and 54 of an act entitled "an act to amend and re-enact the charter of the town of Martinsville, in the county of Henry," approved March 3d, 1892 so as to provide for the election of sergeant by the qualified voters of said town.

Approved February 21, 1896.

1. Be it enacted by the general assembly of Virginia, That so much of an act approved March three, eighteen hundred and ninety-two, which relates to appointment of a sergeant of the town of Martinsville, in the county of Henry, as amended by sections four, fifty-two and fifty-four of an act entitled "an act to amend and re-enact the charter of the town of Martinsville, in the county of Henry," approved March third, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 4. The administration and government of said town shall be vested in one principal officer, to be styled the mayor; eight other trustees, who shall constitute the council of said town; one officer, to be styled the sergeant of said town, and such other officers and agents as may be appointed by the council.

The mayor, members of council, sergeant and other officers elected or appointed shall have resided in said town twelve months and be elected or appointed from among the electors of the town; and where elected by the qualified voters who shall have resided within the corporate limits of said town one year previous to the election, which shall take place on the fourth Thursday in May, eighteen hundred and ninety-six, and every two years thereafter. The said mayor, councilmen and sergeant shall hold their respective offices for the term of two years, commencing on the first day of July next after their election, and afterwards until their successors shall qualify; and members of council shall receive no pay. And in the said council

cil, so composed (any five members shall constitute a quorum for the transaction of business), shall be vested the corporate powers of said town, and which shall be known as the council of the town of Martinsville.

§ 52. The council shall appoint annually a clerk, a commissioner of the revenue and such policemen and other officers and agents for the proper conduct and business of the town as may be necessary; shall fix their compensation and prescribe their duties where this charter does not, and require from any or all of them such bonds as may be deemed proper, payable to the town in its corporate name and conditioned for the faithful discharge of their respective duties, which shall be executed before the mayor and approved by the council. The terms of each of said officers so appointed shall expire on the thirtieth day of June of each year after their appointment; and any of said officers, with the consent of the council, may appoint a deputy or deputies, who shall have all the power and authority of their principal.

§ 54. The sergeant of said town, who shall from time to time be elected under this act, shall have the like rights of distress and such other power for collecting the taxes and levies made by said council as county treasurers have in similar cases, and shall be entitled to the same or like fees and commissions, and in the service of process, arrest of parties and the collection of fines arising under authority of this act, or of any by-laws or ordinances made in pursuance thereof, he shall have and possess the same rights and powers and be entitled to the same or like fees and commissions as are now allowed by law to sheriffs for similar services. He shall report annually, in the month of July, all delinquent taxes, erroneous assessments and insolvents to the council.

2. This act shall be in force from its passage.

CHAP. 414.—An ACT to allow the joint library committee and the general librarian of the commonwealth to permit the transfer of duplicate volumes in the state library to the library of the University of Virginia.

Approved February 24, 1896.

Whereas there are a number of duplicate volumes in the state library, a single set of which will meet all the demands for the same; and whereas application has been made by the rector and visitors of the University of Virginia that such duplicate volumes as can be spared from the state library, without detriment to the same, may be transferred to the library of the University of Virginia, remaining the property of the commonwealth—

1. Be it enacted by the general assembly of Virginia, That such volumes as are duplicate in the state library, and in the judgment of the joint committee on the library and the general librarian, may be spared therefrom without detriment to said library, be delivered

to the rector and visitors of the University of Virginia, at their cost and charges, for the transfer, for deposit in the library of the University, to be and continue, however, the property of the commonwealth, and subject to recall by the library committee of the legislature at any future time.

2. This act shall be in force from its passage.

CHAP. 415.—An ACT to allow Harvey Terry and Lucius Burke, deputies of Robert S. Ryland, late treasurer of King William county, one year longer from the passage of this bill to collect tax-tickets in their hands for the years 1891, 1892, 1893, and 1894.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That Harvey Terry and Lucius C. Burke, deputies of Robert S. Ryland, late treasurer of King William county, be, and they are hereby, allowed one year longer from the passage of this act to collect tax-tickets not returned delinquent nor insolvent, for which they have accounted, in their hands for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, and eighteen hundred and ninety-four; but nothing in this act shall be construed to permit said deputies to collect any tax-tickets for any years previous to the year eighteen hundred and ninety-one.

2. This act shall be in force from its passage.

CHAP. 416.—An ACT to amend and re-enact sections 3225 of the code of Virginia, in relation to the service of process against or notice to a corporation.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-two hundred and twenty-five of the code of Virginia of eighteen hundred and eighty-seven, as amended and re-enacted by an act approved March second, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 3225. On whom process against or notice to a corporation may be served.—Process against or notice to a corporation may be served as follows: If the case be against a city or town, on its mayor, recorder, or on any alderman, councilman, or trustee of such city or town; if against a bank, on its president, cashier, treasurer, or any one of its directors; if against a railroad company, on its president, cashier, treasurer, general superintendent, or any one of its directors; if against some other corporation created by the laws of this state, on the president, rector, or other chief officer, cashier, treasurer,

secretary, or any one of its directors, trustees, or visitors; if against a corporation created by some other state or country, or in any case if there be not in the county or corporation wherein the case is commenced any other person on whom service can be aforesaid, on any agent of the corporation against which the case is (unless it be a case against a bank) or on any person declared by the laws of this state to be an agent of such corporation, and if there be no such agent in the county or corporation wherein the case is commenced, and affidavit of that fact and that there is no person in said county or corporation on whom there can be service aforesaid, publication of a copy of the process or notice once a week for four successive weeks in a newspaper printed in this state shall be a sufficient service of such process or notice, except that in the case of an insurance company created by the laws of this state process or notice shall be directed to the sheriff or sergeant of the county or corporation wherein the chief office of such company is located; *and in case of any insurance company or surety company not created by the laws of this state but doing business in this state, process or notice shall be served in the manner prescribed by sections twelve hundred and sixty-six and twelve hundred and sixty-seven, chapter fifty-three of the code of Virginia.* When the publication is of process, it shall be made on an order directing the same in the case in which the process issues. The order may be entered either in court or by the clerk of the court at any time in vacation.

2. This act shall be in force from its passage.

CHAP. 417.—An ACT to authorize the personal representative of M. T. Gooch, late treasurer of Louisa county, to collect by distress unpaid tax-tickets held by the said M. T. Gooch at the date of his death in 1894, and which have been accounted for to the state and county and not returned delinquent and insolvent.

Approved February 24, 1896.

Whereas at the date of his death, in eighteen hundred and ninety-four, M. T. Gooch, late treasurer of Louisa county, held in his hands certain uncollected tax-tickets not returned delinquent and insolvent for the year eighteen hundred and ninety, and subsequent years thereto up to the present date, and which have been accounted for to the state and county—

1. Be it enacted by the general assembly of Virginia, That the personal representative of the said M. T. Gooch, deceased, be, and he is hereby, authorized to place such tax-tickets in the hands of some person selected by him for the purpose of collecting the same, and that the person so selected shall have the same power for the space of one year from the passage of this act to collect said tax-tickets as is now possessed by treasurers under the revenue laws of this state.

2. This act shall be in force from its passage.

CHAP. 418.—An ACT to provide for the adjustment and division of liabilities, property and assets between the county of Warwick and the city of Newport News, Virginia, and to provide for the occupation of certain property.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That on or before the first day of July, eighteen hundred and ninety-six, except as hereinafter provided, the treasurer of the county of Warwick is hereby directed to pay to the treasurer of the city of Newport News, or such other person as may be designated by the common council of the said city of Newport News to receive the same, three-fourths of all money derived from assessment, levy, license, taxation or other means upon the subject of assessment, laid, levied or taken prior to the first day of January, eighteen hundred and ninety-six, which may remain after the payment of the said county of only such current expenses and charges to meet with such assessment, levy, license, taxation or other means of raising money was laid, levied or taken, for the payment of which the county of Warwick may now be bound.

2. That if all the moneys accruing by reason of such assessment, levy, license, taxation or other mode of raising money shall not be collected by the treasurer of the county of Warwick prior to the first day of July, eighteen hundred and ninety-six, that three-fourths of such further sum so derived, as they are from time to time collected, shall be immediately paid by the treasurer of the county of Warwick to the treasurer of the city of Newport News or other person appointed by the common council of said city.

3. That immediately upon the passage of this act the treasurer of the county of Warwick shall pay to the treasurer of the city of Newport News, or to such other person as the common council of the said city shall designate to receive the same, the sum of five thousand dollars, which said sum shall be considered a payment by the said treasurer on account of the sum hereinbefore directed to be paid by him to the treasurer of the city of Newport News or other person appointed by the common council of the said city of Newport News. And if it shall hereafter appear that the said sum of five thousand dollars so paid by the treasurer of the county of Warwick shall exceed the sum to which the said city of Newport News shall be entitled by the provisions of this act, then the said city shall pay over to the county the amount of such excess.

4. Upon a failure of the treasurer of the county of Warwick immediately to pay over to the treasurer of the city of Newport News, or to such other person as may be designated by the common council of the city of Newport News to receive the same, the several sums of money mentioned in this act when the same shall by the terms of this act have become payable to the said city or to its officials or agents, the common council of the said city is hereby authorized and empowered to enter suit for and recover the said sum against the treasurer of the county of Warwick on his official bond in the circuit court of the county of Warwick.

5. The title to the court-house and buildings and property and furniture appurtenant thereto and connected therewith, situate at Newport News, Virginia, and the poor-house recently erected in Denbeigh district, Warwick county, shall vest in fee simple in the city of Newport News from and after the passage of this act. Said city shall assume such part of the bonded indebtedness of the said county of Warwick as was incurred for and expended in the erection of the said court-house and building and property and furniture appurtenant thereto: and such bonded indebtedness of the said county, so incurred and expended in the city of Newport News, shall pay when it shall hereinafter become due and payable by the said county.

6. All county and school property situated outside of the corporate limits of the city of Newport News and not hereinbefore specifically mentioned, shall be, and remain, the property of the county of Warwick, and the school districts therein as now provided by law, and all such property situate within the corporate limits of the city of Newport News, shall be, and remain, the property of the city of Newport News and the school districts therein as now provided by law.

7. The county of Warwick shall be entitled, until the first day of January, nineteen hundred and two, to occupy such portion of the poor-house recently erected, situate in Denbeigh district, in Warwick county, without compensation to the said city, as the judge of the circuit court of Warwick county may deem just and proper.

8. The board of supervisors of Warwick county are hereby empowered and directed to execute any deed or deeds conveying their interest or that of the county of Warwick which may be necessary or advisable for the effectual operation of the purposes of this act as herein declared.

9. All acts or parts of acts inconsistent herewith are hereby repealed.

10. This act shall be in force from its passage.

CHAP. 419.—An ACT to amend and re-enact an act entitled "An act to incorporate the Alexandria and Fairfax passenger railway company," approved February 18, 1890, and to amend and re-enact an act entitled "An act to amend and re-enact the first section of an act approved February 18, 1890, entitled an act to incorporate the Alexandria and Fairfax passenger railway company," approved February 25, 1892.

Approved February 25, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled "An act to incorporate the Alexandria and Fairfax passenger railway company," approved February eighteenth, eighteen hundred and ninety, and an act entitled "An act to amend and re-enact the first section of an act approved February eighteenth, eighteen hundred and ninety, entitled an act to incorporate the Alexandria and Fairfax passenger railway company," approved February twenty-

fifth, eighteen hundred and ninety-two, be amended and re-enacted as follows:

§ 1. That Henry Strauss, Isaac Eichberg, George W. Fisher, and their associates and their successors, be, and they are hereby, incorporated and made a body politic and corporate by the name and style of the Washington, Alexandria, and Mount Vernon railway company, by which name it shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, contract and be contracted with, and shall have and exercise all the rights, powers and privileges, and be subject to all the duties and obligations of corporations of a like character under the laws of the state of Virginia.

§ 2. The capital stock of the said company shall not be less than fifty thousand dollars nor more than one million dollars, to be divided into shares of fifty dollars each.

§ 3. That when the minimum amount of its capital stock shall have been subscribed, and the amount required by law shall have been paid upon such subscriptions, the said company shall have power to construct, operate and maintain a railroad for the carriage of passengers, packages, freight, mail and other traffic by cars run by animal, cable, or electrical power, or other motive power, from such point or points and over and upon such street or streets in the city of Alexandria as may be agreed upon between the said corporation and the city council of Alexandria, and over and upon the roads of the Little river turnpike company, and the Middle turnpike, and by, over, and upon such other route or routes, roads or streets, in and through the counties of Alexandria, Fairfax, and Prince William, to such point or points in the counties of Alexandria, Fairfax or Prince William, or any or all of them, as the said company may elect, not exceeding thirty miles from the corporate limits of the city of Alexandria; provided that any crossing by said road over the avenue to be constructed by the Mount Vernon avenue association shall be made above or below the grade thereof; and provided, further, that the said company shall not enter upon the lands of the Mount Vernon ladies' association of the Union without the consent of such association; and provided, further, that the said company before occupying any street or road in said counties of Alexandria, Fairfax or Prince William, shall first obtain the consent of the property owners abutting on said road or street, or compensate them for the damages sustained according to law.

§ 4. That the said company shall have a board of directors, to consist of not less than seven nor more than twelve members, as may be prescribed by its by-laws, to be chosen annually from the stockholders. The directors shall elect one of their members to be president of the company. The directors shall also elect the secretary and treasurer of the company, and such other officers as may be prescribed by the by-laws. The incorporators herein named are constituted commissioners to receive subscriptions to the capital stock of the said company, and when the minimum of its capital stock shall have been subscribed shall call a meeting of the stockholders for the election of directors and officers, who shall manage the busi-

ness and affairs of such corporation until an election is held under the by-laws thereof.

§ 5. The said company shall have power to borrow money on its bonds or other evidences of debt at a rate of interest not exceeding that allowed by law, and to secure the payment thereof by deed of trust or mortgage upon its road and property, its franchises and income, or any of them.

§ 6. The said company shall have power to acquire, hold, and dispose of, in addition to its roadway, road-bed, stations, power plants and termini, so much land as will be necessary for its purposes, not exceeding five hundred acres.

§ 7. The said company shall commence work under this charter within two years, and complete the same within five years from the date hereof; provided, however, that the rights of said company under this charter shall not by the provisions of this section be in any way impaired as to such portions of its work as shall be completed within the time herein limited.

§ 8. This act shall be in force from and after its passage.

CHAP. 420.—An ACT to incorporate the Fairmount traction company.

Approved February 25, 1896.

1. Be it enacted by the general assembly of Virginia, That Samuel H. Pulliam, John H. Dinneen, William T. Heckler, William J. Westwood and Fred. C. Brauer, junior, and their associates, successors and assigns, be, and they are hereby, constituted and declared a body politic and corporate by the name and style of the Fairmount traction company.

2. The capital stock of the said company shall not be less than five thousand dollars nor more than one hundred thousand dollars, divided into shares of one hundred dollars each; and the directors may receive cash, labor, material, bonds, stock or real estate in payment of subscription to the said capital stock at such valuation as may be agreed upon.

3. That the said company shall have the power to construct and operate railways in and upon the streets of the city of Richmond upon such terms as may be agreed upon between the company and the council of the city of Richmond, and in and upon the public roads of the county of Henrico upon such terms as may be agreed upon between the company and the county court of Henrico, after reasonable notice to the abutting property owners, and upon the lands adjacent to the said streets and roads according to the provisions of chapter forty-six of the code of Virginia.

4. That the said company shall have the power, in its corporate capacity, to borrow money for the purpose of constructing its lines of railway, acquiring, erecting and furnishing its plant, power-house and equipment, and may issue its bonds or other obligations there-

for in such denominations and for such amounts as the board of directors may prescribe, payable at such place and in such time as may be therein expressed, and secure the same by deeds of trust or mortgages upon its plant, roadway, franchises, right of way, income, equipment, privileges, or other property, real or personal, whether the same be acquired before or after the creation of such lien.

5. Such company may connect its street railway with other street railways within the limits aforesaid now existing or hereafter incorporated, with the consent of the owners of such railways; the said company may also acquire and own, by lease, purchase, or otherwise, any street railway and the property and franchises thereof in or near Richmond now incorporated or constructed or which may be hereafter incorporated or constructed, and may acquire and consolidate its railway or railways with such railways, and may issue therefor the bonds and stock of said company for such amounts as may be agreed upon.

6. The said company shall be, and is hereby, empowered to erect, establish, purchase, lease, maintain, operate, or sell a plant or plants in the city of Richmond and the county of Henrico for the generation of electricity and the supply of the electric current for its own use.

7. The said company may take and acquire by purchase, condemnation, lease or otherwise, and hold, and thereafter to sell or otherwise dispose of real estate, not exceeding five acres in the city of Richmond or more than forty acres in the county of Henrico, exclusive of its roadbeds, for any of the purposes of the company.

8. The said company may adopt such motive power to propel its cars or carriages as the proper authorities of the city and county, through or over which its tracks may be laid, may permit.

9. The corporators named in this act shall constitute the board of directors for the first year, and shall continue in office until their successors shall be elected and qualified; they shall have the power and authority of a president and board of directors for the purpose of organization and for all other purposes incident thereto; they shall elect one of their number president of the board, and may appoint such other officers as they may deem proper; they may fill any vacancies on the board or in the office of president of the company. Whenever five thousand dollars of the capital stock shall have been subscribed, the board of directors shall proceed to organize the company by the election of officers as aforesaid. The company shall then be considered as legally organized, and shall have all the rights, powers and privileges conferred upon corporations and chartered companies by the laws of this state, and subject to the privileges thereof, except in so far as the same are inconsistent with this act.

10. The construction of the railway or railways authorized by this act shall be commenced within two years from the first day of April, eighteen hundred and ninety-six, and completed within five years thereafter.

11. All taxes due or to become due to the commonwealth of Virginia shall be paid in lawful money of the United States, and not in coupons.

12. The principal office of the said company shall be in the city of Richmond.

13. The general assembly hereby reserves the power at any time to alter, amend, or repeal this charter.

14. This act shall be in force from its passage.

CHAP. 421.—An ACT to prohibit any fire insurance company, incorporated or licensed in this state, from issuing a policy or policies of insurance on any single risk for more than ten per cent. of its capital stock and assets; or, if a mutual company, for more than five per cent. of its cash assets; and providing the penalty for so doing.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That no fire insurance company chartered or incorporated under the laws of this state, nor any foreign fire insurance company licensed to do business in this state, shall carry at its own risk, a policy or policies of insurance on any single risk for an amount in excess of ten percentum of the capital stock, or assets, of such company; or, if a mutual company, for an amount in excess of five per centum of its cash assets; provided that a mutual fire insurance company or association organized and doing business in any county or counties, or city or cities in this state, and paying its losses solely from assessments upon its members, or distributing any portion of its profits among its policy holders, shall not be liable to the provisions of this act nor affected thereby; provided that a purely mutual fire insurance company or association, organized and doing business in any county or city, or counties or cities in this state, and paying its losses solely from assessments upon its members, shall not be liable to the provisions of this act, nor affected thereby; provided that if such a policy in excess of ten per centum of its capital stock shall be written, then the said company shall be required to reinsure such excess in some company legally authorized to do business in this state.

2. Upon a complaint of an infraction of this act, it shall be the duty of the auditor of public accounts or insurance commissioner, if appointed (and he is hereby empowered and required to examine the books of such company, if a company incorporated by this state, or the books of the agency of such company, if a foreign company, duly licensed to do business in this state), to ascertain if such company has violated the provisions of this act; and if so, the auditor of public accounts shall revoke the license of such company, and cause his decision and action to be published for five consecutive times in some newspaper in the locality in which such company has its principal office in this state; but nothing in this act shall be construed as applying to or any ways effecting the Farmers and mechanics benevolent of Roanoke and Botetourt counties.

3. This act shall be in force from its passage.

CHAP. 422.—An ACT to amend sections 3501 and 3502 of code of Virginia in relation to fees of commissioners in chancery.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That sections thirty-five hundred and one and thirty-five hundred and two of the code of eighteen hundred and eighty-seven, as amended by chapter fifty-seven of the acts of the general assembly of eighteen hundred and eighty-nine and ninety, as amended by chapter five hundred and twenty-one of the acts of the general assembly of eighteen hundred and ninety-three and ninety-four, approved March first, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 3501. Of commissioners in chancery.—For services which might be performed by notaries, the like fees for like services; for any other service, such fees as the court by which the commissioner is appointed may from time to time prescribe, not exceeding seventy-five cents, where less than an hour is employed, and if more than an hour be employed, not exceeding the rate of seventy-five cents for each hour; but nothing herein contained shall effect the fees of commissioners in chancery residing in the cities of Richmond, Norfolk, Alexandria, Danville or Manchester.

§ 3502. Their fees in certain cities.—A commissioner in chancery residing in the cities of Richmond, Norfolk, Alexandria, Danville or Manchester may charge for their services which might be performed by a notary the like fees for like services, and for any other services such fees as the court by which the commissioner is appointed may from time to time prescribe, not exceeding one dollar, where less than an hour is employed, and if more than an hour be employed, not exceeding the rate of one dollar for each hour; but nothing in this act shall be construed as referring to the fees of commissioners of accounts.

CHAP. 423.—An ACT to amend and re-enact an act approved February 27, 1894, in relation to the power of the courts to order a suit in equity or action at law to abate as to any improperly joined plaintiff or defendant, and to proceed thereafter by or against the others as if such misjoinders had not been made, &c.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That section one of an act entitled an act to empower the courts to order a suit in equity or action at law to abate as to any improperly joined plaintiff or defendant, and to proceed thereafter, by or against the others as if such misjoinder had not been made, approved February twenty-seventh, eighteen hundred and ninety-four, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 1. That whenever it shall appear in any action at law or suit in

equity, heretofore or hereafter instituted, by the pleadings or otherwise, that there has been a misjoinder of parties, plaintiff or defendant, the court may order the action or suit to abate as to any party improperly joined, and to proceed by or against the others as if such misjoinder had not been made; and the court may make such provision as to costs and continuances as may be just.

2. This act shall be in force from its passage.

CHAP. 424.—An ACT to authorize the trustees of Tazewell high school to sell and convey any property held by them to the trustees of the Jeffersonville district free school board, to be held by the latter for free school purposes.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That section two of an amended act entitled an act to authorize the trustees of Tazewell high school to exchange any property held by them for other property more suitable for school purposes, approved April twenty-eighth, eighteen hundred and eighty-seven, be it amended and re-enacted so as to read as follows :

§ 2. G. H. Reed, I. E. Chapman, J. Stras, A. P. Brown, J. P. Kelly, A. J. May and W. W. Peery, and their successors, are hereby constituted and made a body politic and corporate by the name of the trustees of the Tazewell high school, by which name they shall have perpetual succession; may sue and be sued; contract and be contracted with, and have and use a common seal, with power to purchase, receive and hold lands, tenements, money, goods and chattels to an amount not exceeding twenty thousand dollars, and said trustees and their successors shall have power to sell and convey any property now or hereafter held by them to the trustees of the free school board of the Jeffersonville (now Tazewell) school district of Tazewell county, to be used by them for free school purposes; and the said trustees of the Jeffersonville (now Tazewell) district, and their successors in office, may at any time, in their discretion, sell the said property so conveyed to them; provided, however, that the proceeds arising from the sale of same shall, as soon as practicable, be reinvested in the purchase and equipment of other property in the town of Tazewell, to be used for free school purposes.

2. This act shall be in force from its passage.

CHAP. 425.—An ACT to enable the rector and board of visitors of the Virginia agricultural and mechanical college to procure a supply of water and to construct and maintain a system of water-works.

Approved February 26, 1896.

Whereas the Virginia agricultural and mechanical college and the agricultural experiment station, a department thereof, are greatly hindered and hampered in their work and growth by a totally insufficient supply of water, which also leaves them without any protection whatever in the event of an outbreak of fire; now therefore, for the purpose of providing a sufficient supply of water and of maintaining a system of water-works for the uses of the said college and station and as a safeguard against fire:

1. Be it enacted by the general assembly of Virginia, That the rector and visitors of the Virginia agricultural and mechanical college, and they are hereby authorized at any meeting at which a majority of said visitors shall be present, to borrow money and to issue bonds therefor to an amount not exceeding fifteen thousand dollars, either registered or with coupons for interest, or in part of one class and in part of the other, and convertible from the one class to the other, at the pleasure of the holder, in sums of one hundred dollars or any multiple thereof, bearing date on some day in the year eighteen hundred and ninety-six, payable forty years after date, with interest from date, at a rate not exceeding six per centum per annum; but containing on their face the reservation of right to said rector and visitors to pay the whole or any part of said bonds at any time after ten years from their date.

2. The bonds authorized hereby to be issued shall be exempt from any taxation in any manner by the state of Virginia, or by any county, city, town, or other corporation exercising powers of taxation under the authority of this commonwealth.

3. For the purpose of securing payment of said bonds the said rector and visitors are hereby authorized to convey, by deed of trust, all the property belonging to or held to the said Virginia agricultural and mechanical college, subject to any previous pledge thereof which has heretofore been made.

4. The sum of seven hundred and fifty dollars per annum shall be paid to the rector and visitors of the Virginia agricultural and mechanical college, in equal semi-annual installments, at such times as they may fix. The said sum of seven hundred and fifty dollars per annum shall be used by the said rector and visitors for the sole purpose, and no other, of paying the interest as it shall accrue on the bonds authorized by this act to be issued, and of providing a sinking fund for the payment of the principal thereof.

5. This act shall be in force from its passage.

CHAP. 426.—An ACT to amend and re-enact section 9 of an act, approved December 17, 1891, entitled an act to incorporate the Marion and Rye Valley railroad company.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That section nine of an act entitled an act to incorporate the Marion and Rye Valley railroad company be amended and re-enacted so as to read as follows:

§ 9. The said company shall be required to commence the construction of said railroad within two years from the passage of this act, and to complete the construction of the main line, commencing at Marion, Smyth county, Virginia, or at some other point in said county on the line of the Norfolk and Western railroad, and running thence southwardly to a point in the Currin valley, on the headwaters of Staly's creek, in Smyth county, Virginia, within five years; otherwise the powers, privileges and franchises hereby granted shall be annulled and become void.

2. This act shall be in force from its passage.

CHAP. 427.—An ACT to amend and re-enact section 6 of an act entitled "an act to incorporate Bondtown, in Wise county," approved February 24, 1894.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That section six of an act entitled "an act to incorporate Bondtown, in Wise county," approved February the twenty-fourth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 6. The sergeant of said town shall have the same power and discharge the same duties as constable within the corporate limits of said town, and to the distance of one mile beyond same. He shall have the power to arrest in said town, or anywhere within Wise county, upon a warrant issued by the mayor or a justice of the peace, any person charged with a violation of the laws of this commonwealth or ordinances of said town, and where the same are committed in his presence within the limits of said town, he shall have authority and power to arrest forthwith without warrant the offender, and carry him before the mayor or some conservator of the peace of said town, to be dealt with according to law. The council may appoint him as collector of taxes and levies, allowing him a certain per centum for collecting the same. The mayor of said town shall exercise the same power as a justice of the peace.

CHAP. 428.—An ACT to incorporate the Virginia and northwestern railroad company.

Approved February 26, 1866.

1. Be it enacted by the general assembly of Virginia, That Hugh R. Garden, James L. Gordon, George Gordon Battle, Louis T. Hanckel, and R. T. W. Duke, junior, or any three of them that may accept the provisions of this act, their associates and successors, be, and they are hereby, made a body politic and corporate under the name and style of the Virginia and northwestern railroad company, under which name it may sue and be sued, plead and be impleaded, contract and be contracted with; shall have perpetual succession, and may have a corporate seal and alter and renew the same at pleasure, and may make by-laws and regulations for the government of said company and its employees, not inconsistent with the laws of this commonwealth.

2. It shall be lawful for said Virginia and northwestern railroad company to construct, operate, and maintain a line of railway, of standard or narrow gauge, with single or double track, from some point on the North Carolina and Virginia state line, as may be deemed most expedient, in the counties of Scott, Washington, Grayson, Carroll, or Patrick; thence by the most practicable and desirable route through any of said counties, and the additional counties of Floyd, Montgomery, Pulaski, Craig, Giles, Bland, Wythe, Smyth, Tazewell, Buchanan, Dickenson, Russell, Wise, or Lee, or any one or more of said counties, to the Kentucky or West Virginia state lines, or to a connection with the Norfolk and western railroad or any other railroad at any point in any of said counties found hereafter most desirable. In constructing its road it shall be lawful for said company to cross and recross the state line into and out of said states of North Carolina, Virginia, West Virginia, or Kentucky as often as it may be deemed necessary, upon such terms as the state entered may require; and construction may begin at either or both ends of said line or any intermediate points thereof.

3. In order to secure a continuous line of railroad, to be operated under one management without change of cars or break of bulk, said company may acquire the franchises, rights, privileges, and property of other chartered railroad companies connecting with its line in this and other states, or which may hereafter be chartered, by exchanging its stock, or by purchase or lease, and it may sell or lease its road, property, and franchises to any such company or companies, and it may merge, and for the purpose aforesaid consolidate the same or any of them with the said Virginia and northwestern railroad company on such terms as may be agreed upon by the contracting parties, and may change its name or may adopt another name for the consolidated company, full power and authority being hereby given such other companies to make and carry out such consolidation and merger. Said company is authorized to lease, purchase, and own steamboats, barges, and other water crafts

propelled by steam or other motive power, and the securities of other corporations owning the same to be operated in connection with its line of railroad for the transportation of freight and passengers.

4. Said company or its successors may from time to time issue and sell common and preferred stock in shares of one hundred dollars each, to an amount not to exceed forty thousand dollars per mile for such of its main line of single track and branches as may be constructed in this state, and upon such terms and at such prices as its board of directors may direct; and it or its successor may issue and sell its bonds, not to exceed forty thousand dollars per mile of single-track main line, sidings and branches, upon like terms, at any time before or after the issue and disposal of its common or preferred stock, in whole or in part, and may secure the same by mortgages or deeds of trust upon its franchises and property, or any part thereof.

5. To furnish a basis for raising capital it shall be lawful for said company or its successor to receive grants and subscriptions in lands, coal, iron, timber and material at their fair value, upon such terms as may be agreed upon with the board of directors, and it may exchange its stock or bonds therefor and may hold or sell the same at pleasure.

6. It shall be lawful for any railroad company, incorporated company, county, city or town to aid in the construction of said Virginia and northwestern railroad company, and for that purpose may subscribe to its capital stock, or that of its successor, and may acquire bonds of said company under such restrictions as are prescribed by law. The said company shall have power to cross at grade, over or under any other railroad now constructed, or which shall be hereafter constructed within this state, at any point on its route, subject to the provisions of the general law of this state; to unite its roads with any of said roads, and to enter upon the grounds of such railroad companies with the necessary turnouts, sidings, switchings and conveniences in furtherance of the objects of its construction, as well as to facilitate the economical exchange of passenger and traffic between the respective roads; provided that the acquisition of any of the real estate of another company shall be in the mode prescribed by the law of this state.

7. The said company may have the right to acquire and own by purchase or lease any lands, quarries, mines, coal-beds, lumber-yards, tanneries, furnaces and rolling-mills, and erect and operate, lease or sell the same in any of the counties through which its road may pass, or in any adjoining county: provided that not more than fifty thousand acres of land so acquired shall be held or owned in any one of said counties; and it shall have the power to construct, maintain, equip and operate such branch roads as the board of directors may determine upon, running from points on its main line in any direction: provided any such branches shall not exceed fifty miles in length.

8. No stockholder shall ever be held liable for the indebtedness of said company in a sum greater than may be due on stock subscribed for or purchased by him at the agreed price therefor.

9. The directors of said company shall be stockholders, and they shall elect one of their number president; they shall be elected and

their number fixed by the stockholders in their annual meetings; and they shall hold their office until their successors are elected, and they may fill any vacancy in their board; each stockholder shall be allowed to cast one vote, either in person or by proxy, for each share of stock owned by him.

10. For the purpose of organizing said company; the persons first named in this act shall constitute its first board of directors, and shall serve until its first meeting of stockholders, and three or more may act, and may receive subscriptions to the capital stock at any time and place; and when the sum of fifty thousand dollars is subscribed they shall convene the stockholders and organize said company. At said meeting one of their number shall preside, and they shall certify said organization on the books of the company, and their certificate, or a copy thereof, duly authenticated by a notary public, shall be received as evidence of the legal organization of said company. Said company or its successors shall begin the work of constructing its railroad within two years from the passage of this act, and shall complete its main line in this state within five years from the beginning of construction.

11. Said company or its successor shall never by reason of any merger or consolidation with any company in this or any other state cease to be a domestic corporation, but shall forever be and remain subject to the jurisdiction of the courts of this commonwealth.

12. All taxes which may be assessed against said company shall be paid in lawful money of the United States.

13. This act shall be in force from its passage.

CHAP. 429.—An ACT to amend and re-enact section 11 of an act entitled an act to provide a charter for the city of Winchester, approved April 2, 1874.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That section eleven of an act entitled an act to provide a charter for the city of Winchester, approved April second, eighteen hundred and seventy-four, as amended by an act approved April thirtieth, eighteen hundred and seventy-four, and as further amended by an act approved March twenty-seventh, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 11. Whenever any sidewalk on any public street of the city shall be graded or paved, or curbed or repaved, or the paving or curbing thereof repaired or renewed, the common council may determine what portion of the expense of such improvement shall be paid out of the city treasury, and what portion, if any, by the owner or owners of the real estate benefited thereby; provided that not more than one-half of said expense shall be assessed against the said owner or owners of the abutting real estate benefited thereby; and for whatever amount the council shall decide ought to be paid by the owner

of the real estate bounding and abutting on said sidewalk and benefited by any such improvement an assessment shall be levied by the council by the front foot bounding or abutting or benefited as aforesaid; which said assessment shall be payable within ninety days from the date of its levy as aforesaid, and shall be a lien upon the real estate against which it is assessed from the date of the passage of the ordinance levying such assessment. Said lien may be enforced by suit in equity, or the payment of any such assessment may be enforced in the same manner that taxes levied upon real estate for the benefit of said city are authorized to be collected; but no such assessment on abutting real estate shall be levied until a plan of such improvement has been made by the committee on streets or its engineer, and an estimate of the cost thereof and the amount to be paid by each abutting owner has been filed in the office of the clerk of the city council, and a hearing upon said plan and proposed assessment has been given to said abutting owner or owners before said council, or the street committee thereof. Notice of the time and place of said hearing shall be given to said abutting owner or owners at least ten days before the date thereof in such manner as the common council may by ordinance prescribe.

2. This act shall be in force from its passage.

CHAP. 430.—An ACT to amend section 1 of an act incorporating the trustees of the Female charity school of Fredericksburg.

Approved February 26, 1896.

Be it enacted by the general assembly of Virginia, That the first section of an act entitled an act incorporating trustees of the Female charity school of Fredericksburg, approved the twenty-second day of January, eighteen hundred and eighty, be amended and re-enacted so as to read as follows:

1. Be it enacted by the general assembly of Virginia, That the subscribers to an institution for the education of poor females in the town of Fredericksburg, or so many of the said subscribers as do attend, are empowered on the first Tuesday in May next and on the same day in every year thereafter at some place by them to be appointed in said city, to elect eight trustees of the said institution from the members of Saint George's Episcopal church, who may continue in office until the next annual election.

2. This act shall be in force from its passage.

CHAP. 431.—An ACT to incorporate the Portsmouth, Pig's Point, and Newport News railway, ferry, and hotel company.

Approved February 26, 1886.

1. Be it enacted by the general assembly of Virginia, That Henry Kirm, Joseph T. Duke, R. T. Hosier, R. H. Norfleet, D. W. Pratt, C. R. Warren, George Barnes, P. O'Conner, K. R. Griffin, F. Wiesdorf, R. P. Bunting, M. W. Dennis, J. F. Pace, John H. Bassett, and W. B. Carney, of Virginia, or such of them as may accept the provisions of this act, their associates, successors, or assigns, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Portsmouth, Pig's Point, and Newport News railway, ferry, and hotel company, and as such are authorized and empowered to locate, construct, equip, and operate a railway, either by steam or electricity, as said company may deem proper, of standard gauge, commencing at a point at or near the city of Portsmouth, on the west side of Elizabeth river, state of Virginia, running thence in a northwesterly direction through the county of Norfolk to Pig's Point, in the county of Nansemond, and from the last named point, by a steam ferry, to the city of Newport News; and for the use of said ferry it shall be lawful for the said company to own, equip, lease, charter, and run one or more steamboats for the transportation of freight, passengers, and vehicles; and in connection with said railroad and ferry it shall be lawful for said company to construct and operate a hotel at Pig's Point, and also to erect and maintain bridges between the city of Portsmouth, in the county of Norfolk, and Pig's Point, in the county of Nansemond; and to build and maintain wharves necessary for the purposes of said company.

2. The said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity; and may make and have a common seal, and alter and renew the same at pleasure; and shall have power and enjoy all the rights and privileges of a corporation or body politic in the lands which it may acquire under this act for the purposes of the company.

3. The capital stock of the said company shall not be less than fifty thousand dollars nor more than eight hundred thousand dollars, issued in shares, the par value of which shall not be less than one hundred dollars each, as the board of directors shall from time to time prescribe; and the directors may receive cash, labor, material, real or personal property, in payment of subscription to the capital stock, at such valuation as may be agreed upon between the directors and subscribers; and may make said subscriptions payable in such manner or amounts and at such times as may be agreed upon by the directors and subscribers.

4. It shall be lawful for said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper in the prosecution of any of its works; and it may secure the payment

of said bonds by mortgages or deeds of trust upon all or any portion of its property, real, personal or mixed, its covenants, contracts, and privileges, and its chartered rights and franchises, including its franchise to be a corporation; and it may, as the business of the company may require, sell, lease, convey, and encumber the same.

5. The said company is authorized and empowered to locate and operate lateral or branch roads from any point on its line to connect the said railway and ferry with that of any other railroad, railway or transportation company now or hereafter constructed or operated; and the said company may connect or unite its said railroad with that of any other company, or consolidate or merge its stock, property and franchise with those of any other company operating or authorized to operate a connecting line of railroad, railway or transportation company upon such terms as may be agreed upon between the companies so uniting or connecting, merging or consolidating; and for that purpose power is hereby given to it, or such other company or companies, to make and carry out such contracts as will facilitate and consummate such connection, merger or consolidation, provided that a copy of every such contract of consolidation and merger shall be filed in the office of the board of public works.

6. The said company may acquire, either by purchase or condemnation, according to the laws of Virginia, the lands required for the right of way of its railway, the necessary stations, depots and wharves for its operation, and the construction and maintenance of a hotel at Pig's Point; provided that the lands so acquired shall not exceed one hundred acres, exclusive of its roadway; provided, however, that no property belonging to any other transportation company or work of internal improvement shall be condemned.

7. The said company shall be required to commence construction within two years from the passage of this act, and to be in operation within five years thereafter; otherwise the powers, privileges and franchise hereby granted shall be void.

8. The persons first named in this act, or any five of them who shall accept the provisions thereof, shall have the power and authority of a president and board of directors for the purpose of organization, and for all other purposes. They shall continue in office until their successors shall be elected and qualified. Each stockholder in the company shall at all meetings or elections be entitled to one vote for each share of stock registered in his name.

9. The board of directors shall elect one of their members president, and may fill any vacancy that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever the minimum amount of the capital stock shall have been subscribed and the board of directors shall have elected a president, said company shall be considered legally organized, and may proceed to the transaction of business.

10. It shall be lawful for the said company to establish offices and agencies at such place or places as may be deemed proper, but the principal office of the company shall be located in the city of Portsmouth, Virginia.

11. All taxes shall be paid in lawful money, and not in coupons.

12. This act shall be in force from its passage.

CHAP. 432.—An ACT to compensate school trustees, other than clerks, in King George and Stafford counties.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That the district school boards of the county of King George and Stafford may, in their discretion, compensate the trustees of their respective districts, other than the clerks of district boards, at the rate of two dollars per day for services rendered in attending the meetings of the district school boards, payable from the district school fund: provided that no trustee aforesaid shall receive more than ten dollars in any one year for services rendered on district account.

2. That the county school board of said county may, in its discretion, compensate school trustees, other than the clerk of said county school board, at the rate of two dollars per day for actual attendance on meetings of said county school board, payable from the county school fund: provided that no trustee as aforesaid shall receive more than four dollars in any one year for services rendered on county school board.

3. This act shall be in force on and after July the first, eighteen hundred and ninety-six.

CHAP. 433.—An ACT to repeal chapter 364 of the acts of the general assembly of Virginia, approved February 25th, 1892, entitled an act to authorize the board of supervisors of Warwick county to increase the salary of the commonwealth's attorney of Warwick county.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That chapter three hundred and sixty-four of the acts of the general assembly of Virginia of eighteen hundred and ninety-one and ninety-two, entitled an act to authorize the board of supervisors of Warwick county to increase the salary of the commonwealth's attorney of Warwick county, approved February twenty-fifth, eighteen hundred and ninety-two, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 434.—An ACT to incorporate the trustees of Kecoughtan Lodge, No. 29, Knights of Pythias, of Hampton, Va.

Approved February 26, 1896.

Whereas there is established in the town of Hampton, Virginia, a benevolent institution known as Kecoughtan lodge, number twenty-

nine, Knights of Pythias, which has for its object mutual aid and assistance in time of sickness and other distresses, the burying of deceased members and caring for their widows and orphans, and the elevation of the moral and social standard of its members; and whereas it is believed that the facilities of said institution for the accomplishment of its benevolent purposes will be greatly promoted by obtaining an act of incorporation of the trustees of said Kecoughtan lodge, number twenty-nine, Knights of Pythias, of Hampton, Virginia; therefore,

1. Be it enacted by the general assembly of Virginia, That R. L. Tennis, H. N. G. Corson, Joseph E. Borden, F. W. Ford and George M. Richter, and their successors in office, be, and they are hereby, constituted and appointed a body politic and corporate by the name and style of the trustees of the Kecoughtan lodge, number twenty-nine, Knights of Pythias, of Hampton, Virginia, and by that name shall have perpetual succession and a common seal, may contract and be contracted with, sue and be sued, may acquire, by donation or purchase, receive, hold and possess for the use and enjoyment of Kecoughtan lodge, number twenty-nine, Knights of Pythias, of Hampton, Virginia, lands and other property, and subject to the wishes and direction of said lodge, may rent, sell, convey, invest, improve, encumber and otherwise manage or dispose of the same as to the said lodge may seem most conducive to the interest and promotion of the benevolent purposes of said lodge; and may, on being so instructed by the said lodge, borrow money and issue bonds for such length of time as to the said trustees may seem proper, and secure the payment thereof by deed of trust or mortgage upon the property, real or personal, of said lodge: provided the amount of land so acquired shall not exceed at any one time two acres, and shall be situated in the town of Hampton, Virginia, and the amount of property so acquired, real and personal, shall not exceed in value at any time the sum of fifty thousand dollars.

2. The said trustees and their successors shall hold office as trustees no longer than they remain members of said lodge, or until their successors are duly elected and enter upon the discharge of their duties as trustees. Such number of trustees as shall be provided by the by-laws of said lodge shall be elected as often and in such manner as may be prescribed by the laws and regulations of said lodge, and shall have power to appoint one of their number as president and one as secretary and treasurer, and when bonds are required to be given to said lodge by any of its officers the same may be made payable to the said trustees.

3. The said corporation shall be governed by such rules and regulations as may be prescribed for its action by said lodge.

4. A majority of the trustees shall constitute a quorum for the transaction of business, but no real estate or other property owned by the said lodge shall be sold by the trustees of said lodge unless such sale is first authorized by a majority vote of all the members in good standing of said lodge, in person or by proxy, which shall be attested by a recorded vote of said lodge at a regular or called meeting.

5. All taxes, both state and municipal, and debts due the commonwealth shall be paid in lawful money of the United States, and not in coupons.

6. This act shall be in force from its passage.

CHAP. 485.—An ACT to prohibit the running at large of sheep in a certain district in Prince William county.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any sheep to run at large beyond the limits of their owner's or manager's lands within the following boundary: Beginning at the railroad bridge over Broad run in said county, and thence down said Broad and Occoquan runs to the junction of Occoquan and Bull run; thence up said Bull run to the Southern railroad bridge; thence with said railroad to the beginning.

2. This act shall go into effect the first day of May, eighteen hundred and ninety-six.

CHAP. 436.—An ACT to amend and re-enact an act entitled an act to provide for working and keeping in repair the public roads of Nelson county, approved March 7, 1894.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That in and for the county of Nelson the board of supervisors, together with the county judge, are hereby made and constituted a road board, of which the said judge shall be the president, and as such shall have worked and kept in repair the public roads of said county by adopting such rules and regulations as they may deem proper, expedient and necessary. In the event of a tie vote on any question at any session of the said board they are hereby authorized and empowered to summon the sheriff of the county, who shall cast the deciding vote.

2. The said road board is empowered and authorized to levy (when it makes its annual county levy) a road tax, not to exceed twenty cents on the one hundred dollars' worth of property, to be collected by the county treasurer; but the tax so levied and collected in each district shall be used and applied in that respective district by said road board, except that of the railroads, which shall be equally divided between the two districts.

3. Said road board shall meet the Wednesday after the first Tuesday in each month, beginning with the month of April, eighteen hundred and ninety-four, and for actual attendance on said board each member shall receive the sum of two dollars a day.

4. The clerk of the county court shall perform the duties of clerk for said board, who shall receive for his services such sum as said board may deem right and proper.

5. This act shall be in force from its passage.

CHAP. 437.—An ACT to amend and re-enact section 2048 of the code of Virginia in relation to how boundary lines of lots and tracts of lands made a lawful fence, and excluding the county of Alleghany from the operation thereof.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty hundred and forty-eight of the code of Virginia be amended and re-enacted so as to read as follows:

§ 2048. How boundary lines of lots and tracts of land made a lawful fence.—The board of supervisors of any county, except the county of Alleghany, after posting a notice of the time and place of meeting for thirty days at the front door of the court-house, at each voting place in the county, and by publishing the same once a week for four successive weeks in some newspaper of such county, if any such be printed therein, a majority of the board being present and concurring, may declare the boundary lines of each lot or tract of land in such county, or in any magisterial district thereof, or any selected portion of such county, to be a lawful fence as to any or all of the animals mentioned in section twenty hundred and forty-two; and to the extent the said board shall so declare the boundaries of each lot and tract of land shall constitute a lawful fence as to the said animals or such of them as may be named, after six months from the time of such action by the board, and to such extent section twenty hundred and thirty-eight shall be inoperative from and after the said six months.

2. This act shall be in force from its passage.

CHAP. 438.—An ACT to authorize the board of supervisors of Bath county in their discretion to levy a tax not exceeding twenty cents on the taxable value of said county for county school purposes.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Bath county may, in their discretion, levy a tax not exceeding twenty cents on the one hundred dollars of the taxable value of said county to be used for county school purposes.

2. This act shall be in force from its passage.

CHAP. 439.—An ACT empowering the judge of the circuit court of Russell county to order certain causes to be properly indexed by the clerk thereof.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That the judge of the circuit court of the county of Russell be, and he is hereby, empowered to order the clerk of said court to have any or all of the causes, both at law and equity, which were determined prior to the year eighteen hundred and eighty-four in said court, properly indexed, using Kilgore's bar reference docket for same, which shall be filed as other determined causes in said court, and the said clerk shall be paid for such services out of the county funds of said county such sum as the board of supervisors of said county may appropriate.

2. This act shall be in force from its passage.

CHAP. 440.—An ACT authorizing M. A. Finch to erect a wharf opposite her land in Newport News, Virginia, on the north side of James river.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That M. A. Finch be, and is hereby, authorized to erect at Newport News, opposite her land, on the north side of James river, a wharf, and be subject to all laws of Virginia governing all wharves erected in the waters of the commonwealth.

2. This act shall be in force from its passage.

CHAP. 441.—An ACT to incorporate the town of Saxis in the county of Accomac.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That the town of Saxis, in the county of Accomac, be, and the same is hereby, made a town corporate by the name of Saxis, and by that name shall have and exercise the powers conferred upon towns of less than five thousand inhabitants by the laws of Virginia now existing or which may hereafter be enacted, so far as the same are not in conflict with the provisions of this act.

2. The boundaries of the said town shall be as follows: Beginning at a point marked by a stone placed at the water's edge of high-water mark at the extreme end of a point known by the name of North End point, belonging to A. S. Matthews; thence fifteen hundred feet southwardly to a stone on the northeast corner of the land of Sala-

thiel Lewis; thence running one mile southwestwardly to a stone on the southwest corner of the land of John W. Drewer; thence one mile southwardly to George W. Martin's house on Tunnall's island; thence five hundred yards northwardly to the low-water mark in Pocomoke sound; thence east-northeastwardly one and one-quarter miles to a stone on the point known as Shelley field; thence four hundred yards to the place of beginning.

3. The government of the said town shall be vested in a mayor and six councilmen, to be elected annually on the fourth Thursday in May from the qualified electors of the said town. All persons entitled to vote in the county of Accomac and who have resided in the said town for three months next previous to any election shall be entitled to vote at all elections held in the said town under this act of incorporation. The first election under this act shall be held on the fourth Thursday in May, eighteen hundred and ninety-six.

4. The mayor and councilmen shall constitute the council of said town, a majority of whom shall constitute a quorum to do business, and all the corporate powers of the said town shall be exercised by the said council or under its authority. Except where otherwise provided by law, the mayor shall be president of the council and shall have all the rights, powers and privileges conferred upon such officer by the general laws of the state for the government of towns of less than five thousand inhabitants. He shall be invested with all the powers of a justice of the peace within the limits of the said town and one mile beyond the said limits; except, however, no civil warrants shall be tried by said mayor. All fines, penalties or imprisonments for violation of the by-laws or ordinances of said town shall be recovered or enforced under the judgment of the mayor, and for that purpose he may issue process as a justice of the peace, and for such service shall be entitled to the same fees for like services performed by a justice of the peace. The mayor shall have no vote in the council except in case of a tie vote. All vacancies which may occur in the offices of mayor or councilmen shall be filled by the council. The mayor and councilmen shall hold their respective offices for one year from the first day of July next succeeding their election, and until their successors are elected and have duly qualified.

5. The said council shall have power to elect a treasurer, a clerk, a sergeant, and such other officers as they may deem necessary for the proper government of the said town, to regulate the compensation of said officers, to prescribe their duties, to remove them from office, to require of them bond with approved security for the faithful discharge of their duties, and to fix the penalty of bonds required. The council shall have power to enact by-laws and ordinances for the government of said town. The council may annually on the first of April levy a tax for roads, streets, sidewalks, and other purposes by a two-thirds vote, to be approved by the mayor, which on no property shall exceed twenty cents on the one hundred dollars valuation except that on a petition of freeholders representing two-thirds of the valuation within the corporation. The poll tax shall not exceed one dollar and fifty cents on each male person in any one year.

6. The sergeant of the town shall be a conservator of the peace,

and be invested with all the powers of a constable within the limits of said town, and also have the power to arrest offenders within one mile of the limits of said town for offences committed within the limits of said town or against its by-laws or ordinances, and for such services the sergeant shall be entitled to the same fees as a constable for the like services. The use of the jail of the county of Accomac shall be allowed the said town for the confinement and safe-keeping of all persons arrested or sentenced to imprisonment under the by-laws or ordinances of the said town; and the sergeant of the said town may convey any person so arrested or sentenced to the said jail, and the jailer shall receive such person in the same manner as if such person were committed by a justice of the peace of the said county and delivered to the said jailer by a constable.

7. The said town and property therein and residents shall be exempted from the payment of any road tax and from working on any road outside of the said town, and in consideration of this exemption the said town shall keep its streets in repair. The said town shall not be embraced in any road district of the county of Accomac.

8. George W. Glenn is hereby declared and appointed mayor, and Noah E. Miles, William C. Lewis, George N. Weaver, Charles N. Lewis, Edward B. Moore and John R. Drew are hereby appointed and declared councilmen of the said town of Saxis, and may qualify as such before any justice of the peace of Accomac county by taking the oath of office, and thereupon they shall constitute the council of the said town, and shall hold office until the first day of July, eighteen hundred and ninety-six, or until their successors are duly elected and qualified. The council hereby appointed shall meet and organize upon the call of ——— mayor, or any three of the said council.

9. This act shall be in force from its passage.

CHAP. 442.—An ACT to establish a circuit court for the city of Newport News.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That there shall be a circuit court in and for the city of Newport News, to be called the circuit court of the city of Newport News, which shall be held by the judge of the eighth judicial circuit in the court-house of the said city of Newport News.

2. That the said circuit court and the judge thereof shall have the same jurisdiction, duties, and powers, in all respects within the limits of said city that the several circuit courts of this commonwealth have within their respective counties and corporations. The sergeant of the said city and his deputies shall attend the said court and do and perform the duties, have and exercise the powers, receive the compensation, and be liable to the penalties of a sheriff and his deputies in relation to the circuit court of his county. The clerk of

the corporation court of said city shall be clerk of said circuit court. He shall perform similar duties, receive the same compensation, and be liable to the same penalties as other clerks of circuit courts in this commonwealth, and be governed by the same general laws.

3. That the terms of court, unless otherwise provided by law, shall be held at such times as may from time to time be fixed upon by the judge thereof.

4. That any suit, motion, or other proceeding now pending in the circuit court of Warwick county, which if instituted subsequent to the passage of this act would have come within the jurisdiction of the circuit court of the city of Newport News, shall be forthwith removed to the circuit court of the city of Newport News. When any such suit, motion, or other proceeding is removed under this act the clerk of the circuit court of Warwick county shall transmit to the clerk of the circuit court of the city of Newport News the original papers, with the copies of all rules and orders or decrees made which are not in the original papers, and a statement of the costs incurred by each party therein; whereupon such suit, motion, or other proceeding shall be proceeded in, heard, and determined by the said circuit court of the city of Newport News as if it had been originally brought therein. The costs attending such removal shall be charged as may be thought just by the judge of the circuit court of Warwick county.

5. This act shall be in force from its passage.

CHAP. 443.—An ACT to give James M. Booth, treasurer of Northumberland county, power of levy and distress to collect certain uncollected tax-tickets in his hands.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That James M. Booth shall have the same power of levy and distress as is now possessed by treasurers under the revenue laws for one year from the passage of this act to collect the uncollected tax-tickets, not returned delinquent nor insolvent, now in his hands for the years eighteen hundred and ninety-one, ninety-two and ninety-three, and for which he has accounted to the proper authorities.

2. This act shall be in force from its passage.

CHAP. 444.—An ACT to amend and re-enact sections 5 and 17 of chapter 357, acts 1887-'88, as to the bonds of the district road commissioners, &c., in the county of Rockingham.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That sections five and seventeen of an act entitled an act to provide for

making, changing and working roads in the county of Rockingham, approved March second, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows:

§ 5. That the commissioner of roads provided for in this act shall reside in the district for which he is elected, and his term of office shall begin on the first day of July next succeeding his election. He shall qualify at the time and in the manner prescribed by law for the qualification of magisterial district officers, and shall at the time of his qualification or before he enters upon the discharge of his duties, give bond, with approved personal security, in the sum of five hundred dollars, conditioned upon the faithful performance of his duties; for any failure to discharge this duty recovery may be had upon said bond for the benefit of the district road board.

§ 17. That the supervisor of each district shall be ex-officio chairman of the board of commissioners of roads of his district. All warrants on the county treasurer to pay all expenses of each district shall be signed by the clerk of said board *and by the district road commissioner*, and countersigned by the chairman of each board.

2. This act shall be in force from its passage.

CHAP. 445.—An ACT to amend and re-enact section 2107 of the code of Virginia, 1887, in relation to the inspection of dams and rivers by supervisors and councilmen.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-one hundred and seven of the code of Virginia, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 2107. Inspection of dams and rivers by supervisors and councilmen.—The supervisors of each county and the councilmen of each city or town shall make a personal inspection of dams and rivers in their respective counties and corporations in the months of April and October of each year, and report to the court of the county or corporation any violation of the provisions of section twenty-one hundred and five: provided, however, that the county of Fauquier shall be exempted from the provisions of this section.

2. This act shall be in force from its passage.

CHAP. 446.—An ACT to amend and re-enact sections 2, 4 and 10 of the charter of the town of Shenandoah, Page county, Virginia, approved February 12, 1884, as amended by acts approved February 6, 1890, and to add thereto sections 13, 14, 15, 16 and 17.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That sections two, four and ten of the charter of the town of Shenandoah, Page county, Virginia, approved February twelfth, eighteen hundred and eighty-four, as amended by acts approved February six, eighteen hundred and ninety, be amended and re-enacted so as to read as follows, and that sections thirteen, fourteen, fifteen, sixteen and seventeen, as herein provided, be added thereto:

§ 2. On the fourth Thursday of May, eighteen hundred and ninety-seven, there shall be elected by the qualified voters of said town a mayor and six councilmen for the said town. The mayor shall be elected for the term of two years. Of said councilmen two shall be elected to serve for one year, two for two years, and two for three years, and annually thereafter there shall be an election of two councilmen, whose term of office shall be three years. The mayor and said council shall be electors of the said town. The mayor and six councilmen shall constitute the council of said town, and four of them shall constitute a quorum for the transaction of business, and they shall hold their respective offices for the terms heretofore specified and until their respective successors be elected and qualified.

§ 4. On the fourth Thursday of May, eighteen hundred and ninety-seven, there shall be elected by the qualified voters of said town a clerk, treasurer and sergeant for the term of two years and until their successors are elected and qualified, and the said council shall require to be executed by said treasurer and sergeant a bond with security in such penalties as to the council may seem fit, payable to the town by its corporate name, and with conditions for the faithful discharge of their duties as said officers.

§ 10. The council may annually levy a tax for corporation purposes, which on no property shall exceed fifty cents on the one hundred dollars valuation, except that on the petition of three-fourths of the freeholders within the corporation the council may levy a tax not exceeding the amount named in said petition; provided, however, that the Gem furnace, together with all machinery, tools, and so forth, necessary to operate the same, shall be exempt from all corporation taxes; and provided, further, that whenever satisfactory evidence shall be presented to said council that any person or persons or corporation have hereafter invested within the corporate limits of said town the sum of two thousand dollars or more, for the purpose of employing the said capital strictly in the business of manufacturing within the corporate limits any article or articles, the said council shall, if the manufacturer be in actual operation, issue to said person or persons or corporation a license as manufacturer, and no corporation or town taxes shall be assessed on or required to

be paid on said license or on said capital while so invested and so employed within said corporation during the period of five years from the date of the issuance of the said licenses as herein provided.

§ 13. At any time hereafter, on petition of one-fourth of the qualified voters of the town of Shenandoah, addressed to the judge of the county court of Page county, Virginia, in term time or vacation, praying for an election upon the question of license or no license for the sale of intoxicating liquors in said town, the said judge shall order an election upon said question as provided for in chapter twenty-five of the code of Virginia, eighteen hundred and eighty-seven, and the returns and certificate therein provided for shall be made to the council of the town of Shenandoah, and the number of votes for and against license respectively shall be made a matter of record by said council; and if it appear from the abstracts and returns that a majority of the votes cast at such election were cast against liquor license, no license shall be granted for the sale of wine, spirituous or malt liquors, or any mixture thereof, within the corporate limits of said town or within two miles thereof. No such election, however, shall be held within thirty days of any county, corporation, state, or national election. If any person sell any wine, spirituous or malt liquors in said corporation of Shenandoah or within two miles of the said town, having voted as hereinbefore provided against liquor license therein, he shall be liable to all the penalties imposed for the sale of spirituous or ardent spirits without a license.

§ 14. No license to sell spirituous or malt liquors within said town, or within two miles of the boundary thereof, shall be granted by the county court of Page, or any other authority, unless the party or parties therefor shall produce to such court or authority the certificate of the council of said town giving its consent to the granting of such license. The council may require from persons so licensed to sell spirituous or malt liquors, and so forth, as above stated, a bond with sufficient security, payable to said town, in such penalty and with such consideration as it may think proper, and may for the violation of the laws governing the sale of ardent spirits, and so forth, or of the condition of the bond hereinbefore provided for, of which violation the council shall be sole judge on the evidence, withdraw its certificate for such license.

§ 15. All taxes, licenses, and levies ordered by the town council shall be collected by the town treasurer, and he is hereby vested with all the authority of a county treasurer to enforce the collection of the state and county taxes, licenses, and levies. All taxes, licenses, and levies assessed for any one year when in default of payment (said time of default to be fixed by the council) shall have five per centum added thereto, which shall be collected and accounted for to the town.

§ 16. All acts or parts of acts in conflict with these acts are hereby repealed.

§ 17. These acts shall be effective from their passage.

CHAP. 447.—An ACT to allow G. W. Koontz, treasurer of Shenandoah county, and his deputies, further time for collecting uncollected taxes in Shenandoah county.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That G. W. Koontz, treasurer of Shenandoah county, be allowed until June the first, eighteen hundred and ninety-seven, in which to distrain, levy for and collect uncollected taxes and levies in his or his collectors' hands for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, eighteen hundred and ninety-four, and eighteen hundred and ninety-five, not returned delinquent nor insolvent, and for which he has accounted to the state and county.

2. This act shall be in force from its passage.

CHAP. 448.—An ACT to compensate school trustees, other than clerks, in Spotsylvania county.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That the district school boards of the county of Spotsylvania may, in their discretion, compensate the trustees of their respective districts, other than the clerks of district boards, at the rate of two dollars per day for services rendered in attending the meetings of the district school boards, payable from the district school fund: provided that no trustee aforesaid shall receive more than twenty dollars in any one year for services rendered on district account.

2. That the county school board of said county may, in its discretion, compensate school trustees, other than the clerk of said county school board, at the rate of two dollars per day for actual attendance on meetings of said county school board, payable from the county school fund: provided that no trustee as aforesaid shall receive more than four dollars in any one year for services rendered on county school board.

3. This act shall be in force on and after July the first, eighteen hundred and ninety-six.

CHAP. 449.—An ACT to authorize Z. R. Coats to erect a toll-bridge over the Piankitank river at Turk's Ferry, in Middlesex county.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That Z. R. Coats, of Middlesex county, be, and he is hereby, authorized and em-

powered to erect a bridge over the Piankitank river at a point near Turk's Ferry, in Middlesex county, above navigation, across said river to an opposite point in Gloucester county, of sufficient height above high-water mark as not to interfere with the unobstructed passage of river craft upon said river. Said bridge shall be constructed with a span not less than thirty-feet in length, and the owner thereof may charge reasonable toll for the use of said bridge to persons and vehicles passing to and fro thereon.

2. This act shall be in force from its passage.

CHAP. 450.—An ACT allowing G. R. Nichols, deputy treasurer of the county of Campbell, further time for the collection of taxes for the years 1891, 1892 and 1893.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That G. R. Nichols, deputy treasurer of the county of Campbell, be allowed further time to collect the taxes and county levies that remain in his hands for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, and eighteen hundred and ninety-three, which have not been returned delinquent or insolvent and for which he has accounted, by distress or levy, and that the time for his collection of said taxes and county levies be extended to the first day of December, eighteen hundred and ninety-six.

2. This act shall be in force from its passage.

CHAP. 451.—An ACT to allow James M. Crymes, deputy treasurer of Lunenburg county, time to collect unpaid tax tickets now in his hands.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That James M. Crymes, deputy treasurer of Lunenburg county, Virginia, be, and he is hereby, allowed one year from the passage of this act to distrain and levy for any unpaid tax tickets now in his hands not returned delinquent or insolvent, for which he has accounted to the proper officials, for the years eighteen hundred and ninety-two and eighteen hundred and ninety-three.

2. This act shall be in force from its passage.

CHAP. 452.—An ACT to incorporate the Falls Church and Potomac railway company.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That W. P. Graham, George P. Ives, N. F. Graham, Schuyler Duryea, Isaac Crossmun, James M. Love, D. M. Chichester, O. E. Hine and Franklin Sherman, of Fairfax county; William N. Febry, of Alexandria county, Virginia; Austin Herr, George T. Dunlop and Arthur Copley, of Georgetown, District of Columbia, and such other persons as may hereafter be associated with them or their successors, are hereby constituted a body corporate and politic to be known as the Falls Church and Potomac railway company.

2. The capital stock thereof shall be not less than twenty thousand dollars nor more than one hundred thousand dollars, and shall be in shares each of the par value of one hundred dollars.

3. Whenever the sum of twenty thousand dollars shall be subscribed to said capital stock of this company, and two per centum thereof paid upon each subscription in cash, lands, property, or other thing of value, the subscribers to said stock who shall have made such or greater payment shall be stockholders in said company, then they shall meet in the town of Falls Church, in Fairfax county, and organize this company by electing from among the stockholders not less than five nor more than nine persons, who shall be the board of directors for and of this company. This board of directors shall from among their own number select one of them to be president of the company, and he shall also be president of said board.

4. This corporation, through its board of directors, may constitute such offices as it sees fit, and may fill the same with persons competent to discharge the duties appointed to be performed, and it in like manner may appoint such agents, attorneys, employees, servants, and others as may by the board be thought proper to carry on its affairs, purposes and designs.

5. This company may receive from any person or corporation voluntary donations of lands, bonds, stocks, money, or other property or thing in aid of the construction and equipment of its road, and may hold and use any such property as part of its capital, and may sell, hypothecate, or dispose of any real or personal property it may acquire by deeds of conveyance, mortgage, deed of trust, bill of sale, or other form of conveyance or writing which the board of directors may direct to be executed by the president and secretary: provided that the right of way, road-bed and franchises shall not in any manner be disposed of without the consent of a majority of the stockholders.

6. It may also receive subscriptions to its capital stock in real estate, labor, material or property of any and every sort from persons or individuals, towns, counties or municipalities within or without this state, and make such arrangement, contract and engagements as

it may desire to effect or agree upon for, about or touching the negotiation, pledge, hypothecation, sale, endorsement, purchase, exchange, or otherwise, of any real or other property, right, franchise or thing it may own, possess, control, or have interest of any sort in, in order to facilitate, complete and carry on its works and purposes not inconsistent with the provisions in section five.

7. This company is hereby given power to locate, construct, stock, equip, work and operate any wood or iron tramway or railroad of any gauge the board of directors may elect or determine from a point at or near the Potomac river, in Alexandria county, opposite the District of Columbia; thence through said county of Alexandria, to or through the county of Fairfax, and through the towns of Falls Church, Vienna, Fairfax Courthouse, Great Falls of the Potomac, or to either or all of said points, or to any other point or points in the counties of Fairfax, Prince William, or Loudoun that the board of directors may deem advisable; provided that this act shall not be construed to authorize the construction of a road to Mount Vernon, or upon the land owned by the ladies' Mount Vernon association.

8. Any county, municipality, or town through or in which the road of said company, or any branch thereof, may be located may subscribe to the capital stock of said company in the mode prescribed by law.

9. Said company shall have (subject to the general laws in force in the code of eighteen hundred and eighty-seven not in conflict herewith) the right to cross at grade, over or under, intersect, join, or unite its railway with any other railway now built or constructed or hereafter to be built or constructed, at any point on its route upon the grounds of such railway company, with necessary turnouts, sidings, switches, and other conveniences in furtherance of the object of its construction.

10. Whenever any part or portion of its line or road is built and ready this company may equip and operate the same as though the whole was completed, and it may provide for transportation of passengers, freight, stock and all other things, and collect such charges and tolls therefor as are proper or provided by law.

11. This company may issue shares of stock and may from time to time declare such dividends thereon as may be in the opinion of the directors wise and proper, and may direct that the same be paid in cash or in script, and to that end they may issue script in payment thereof redeemable as they may determine. This company may issue bonds or other evidence of indebtedness bearing a rate of interest not in excess of six per centum per annum, and secure the same by a deed of trust upon its real estate, properties, franchises, rights and interests, and may negotiate and sell bonds or evidence of indebtedness, and it may sell the same for a less sum than the face value thereof in order to raise money to carry on its affairs and better its condition, and may make such terms and arrangements concerning the payment of interest thereon and for use of moneys borrowed by it as it may see fit.

12. This corporation shall be subject to the general provisions of the statutes in reference to chartered companies in this state when not in conflict with this act,

13. This company shall make and use a common seal, and shall have annual meeting of the stockholders, at which its directors shall be elected, and such annual meetings shall always be at the place where its central office for the transaction of its general business is established, which shall be within the state of Virginia.

14. This corporation shall begin operations and work upon its road within two years from January twenty-fourth, eighteen hundred and ninety-six, and shall within five years thereafter complete the same.

15. All taxes due the commonwealth by the said company shall be paid in lawful money of the United States, and not in coupons.

16. All acts done in conformity with the original charter of incorporation of this company, as approved January twenty-fourth, eighteen hundred and eighty-eight, are hereby ratified and confirmed.

17. This act shall be in force from its passage.

CHAP. 453.—An ACT to allow W. P. Wilson and W. T. Fergusson to erect a pier or wharf at Fergusson's wharf, in James river.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That W. P. Wilson and W. T. Fergusson, of the county of Isle of Wight, be authorized to erect a pier or wharf on James river, opposite the lands of T. N. Jones, for the purpose of shipping lumber, cord wood, and other products for themselves and others, and may charge for the same such sum or sums as the county court of Isle of Wight may allow; provided the said pier or wharf shall not obstruct navigation in said river.

2. This act shall be in force from its passage.

CHAP. 454.—An ACT to amend and re-enact an act entitled an act regulating the fishing of purse nets and pound nets in the tributaries of the Potomac river within the jurisdiction of the counties of Stafford, King George, Westmoreland, and Northumberland, and in the Rappahannock river, approved March 3, 1892.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act regulating the fishing of purse nets and pound nets in the tributaries of the Potomac river within the jurisdiction of the counties of Stafford, Westmoreland, King George, and Northumberland, and in the Rappahannock river, approved March third, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows: That it shall be lawful for any resident of this state to fish with a purse net or pound net at any season of the year

in the Rappahannock river and in any tributaries of the Potomac river within the jurisdiction of the counties of Stafford, King George, Westmoreland, and Northumberland, between the first day of September and the first day of June in any year; subject, however, to the license laws of the commonwealth.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 455.—An ACT to amend and re-enact section 1 of an act entitled an act to provide a new charter for the town of Wytheville, Virginia, approved February 26, 1886 (acts 1885-'86, page 293), and as amended by an act approved February 25, 1892 (acts 1891-'92, page 654), and to amend and re-enact section 42 of said act, as amended by an act approved January 28, 1890 (acts 1889-'90, page 187), and to amend and re-enact section 45 of said act, approved February 26, 1886 (acts 1885-'86, page 293).

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That section one of an act entitled an act to provide a new charter for the town of Wytheville, approved February twenty-sixth, eighteen hundred and eighty-six, and as amended by an act approved February twenty-fifth, eighteen hundred and ninety-two; and that section forty-two of said act, as amended by an act approved January twenty-eighth, eighteen hundred and ninety, and section forty-five of said act, be amended and re-enacted so as said sections shall hereafter be as follows:

§ 1. Be it enacted by the general assembly of Virginia, That that territory included in the following boundaries: Beginning at a stone on the western side of the Tazewell turnpike, near William Huffard's blacksmith shop; thence along his line with the Caughlin and Peirce property north fifty and one-half degrees east nine hundred and seventeen feet to the northeast corner of D. S. Peirce's property; thence south eighty-one degrees east, crossing the Wytheville development company's land, twenty-two hundred and fifty feet to a gate post on the west side of a lane and a corner with Mistress Betty F. Ewald and the said Wytheville development company; thence along the west side of said lane south fifty and one-half degrees east nine hundred and fifty-nine feet to a corner of the Wytheville development company with the Moyers property; thence north sixty-two and one-half degrees east seven hundred and fifty-nine feet, crossing Mistress Campbell's land and the Raleigh and Grayson turnpike, to the eastern side of the road leading to the Eastern cemetery and with C. J. Noel's line; thence with said line south fifty-one and one-quarter degrees east eight hundred and eighty-three feet to the southeast corner of said cemetery and on R. A. Calfee's line; thence north eighty-seven and three-quarter degrees east seventeen hundred and sixty feet, crossing Calfee's land and the S. W. association land to the upper north-

east corner of the fair ground's stables; thence with the S. W. association line south four degrees east ten hundred and fifteen feet to the southeast corner of the fair grounds; thence south six degrees west five hundred and fifty-one feet to the east side of McAdam road and intersection of Old fair grounds road; thence along the east side of McAdam road with meanders of the same south fifty-two and one-half degrees east two hundred and twenty-two and five-tenths feet south sixty-seven degrees forty-five minutes east four hundred and ninety-seven feet, south fifty-one and one-half degrees east two hundred and forty-one and five-tenths feet, south twenty-four degrees forty-five minutes east five hundred and twenty-eight and eight-tenths feet to Old fair grounds; thence south seventy-six degrees west fifty-five feet, crossing McAdam road to stake on west side corner of Marshall street and Shrader; thence south thirty-three degrees east thirteen hundred and sixty feet to northern line of Norfolk and western railroad company, and with said northern line westwardly south fifty-five and one-quarter degrees west six hundred and ninety-one feet; thence south sixty-four degrees west four hundred and eleven feet to cattle guard at Samuel Woolwine's house; thence south thirty-nine degrees west eleven hundred and thirty-two feet, crossing the railroad to J. W. Caldwell's southeast corner; then south fifty-one degrees west twenty-five hundred and forty-four feet, crossing the Stuart Crockett and Barrett land to a stone on James Williams' line in the rear of the Episcopal chapel; thence north eighty-one degrees west twenty-one hundred and ninety-two feet to the southeast corner of Samuel Smithers' lot at the intersection of Twelfth street and Jackson street; thence with the north line of Jackson street south sixty-two and one-half degrees west eleven hundred and twenty feet to the west corner of the Fulton property; thence south eighty-six degrees west thirteen hundred and sixty feet to the southwest corner of Mistress Nannie Brown's property; thence north eighty and three-quarter degrees west fourteen hundred and thirty-eight feet to a stone, a corner of Doctor Leach, with south line of Norfolk and western railroad company, and with said south line sixty-three and one-quarter degrees west ten hundred and sixty-two feet to a stone opposite the line of south Main and the Wytheville development company, crossing the Norfolk and western, and with said line north thirty-one and-half degrees west twenty-eight hundred and twenty-eight feet to the north side of Ridge street (extended); thence along Ridge street to north forty-six and three-quarter degrees east twenty-three hundred and three feet to the intersection with the south side of the McAdam road; thence crossing the McAdam road at right angles north fifteen and one-half degrees west nineteen hundred and eighty feet, crossing Pine Ridge through the Wytheville development company's land to the north side of the Ridge Gap road, and with it north seventy-eight and one-half degrees east seven hundred and sixty-three feet, crossing Harkrader's branch to a stone; thence crossing said Ridge Gap road north fourteen degrees east eleven hundred and seventy-six feet to the blacksmith shop at the beginning—shall constitute the corporate limits of said town.

§ 42. For the execution of its powers and duties the council may raise taxes annually by assessments in said town on all subjects taxable by the state such sums of money as they may deem necessary to defray the expenses of the same, and in such manner as they may deem expedient, in accordance with the laws of the state and of the United States; provided that no tax upon real and personal property in said town shall exceed one dollar and fifty cents upon the one hundred dollars assessed value thereof; and provided, also, that no corporation tax shall be levied on machinery, implements, and capital invested in the plant of any manufacturing establishment hereafter erected actually in use for manufacturing purposes within the said town, or the buildings in which said machinery is located, with its offices, and so forth, for ten years from the date the said manufacturing establishment shall begin operations.

§ 45. All goods and chattels wheresoever found may be distrained and sold for taxes assessed and due thereon, and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in said deed. Any person failing to pay any corporation taxes or levies to the treasurer by the first day of December shall incur a penalty thereon of five per centum, which shall be added to the amount of the taxes and levies due from such tax-payer, which when collected by the treasurer shall be accounted for in his settlement; and the treasurer of said town shall have all the rights and powers in the collection of the town taxes and levies as are given the city and county treasurers under the general laws of this state.

2. This act shall be in force from its passage.

CHAP. 456.—An ACT for the relief of Botetourt agricultural and mechanical association.

Approved February 26, 1896.

Whereas agricultural associations in this state are and have been exempted from taxation since the twenty-ninth of November, eighteen hundred and eighty-four, and although so exempt, the Botetourt agricultural and mechanical association has been assessed with taxes for the years from eighteen hundred and eighty-six to eighteen hundred and ninety-five, both inclusive, such taxes amounting in the aggregate of principal and interest to the sum of one hundred and seventy dollars and forty-four cents; and

Whereas the said Botetourt agricultural and mechanical association during all of said years has used its property exclusively for fair purposes: therefore,

1. Be it enacted by the general assembly of Virginia, That the said Botetourt agricultural and mechanical association be, and the same is hereby, released from the payment of the taxes aforesaid, including the taxes for the years from eighteen hundred and eighty-

six to eighteen hundred and ninety-five, both inclusive, and all taxes which may have been assessed since the act of November twenty-ninth, eighteen hundred and eighty-four, and no assessment of the property of said association for taxation hereafter made shall be lawful so long as the said property shall be used exclusively for fair purposes.

2. This act shall be in force from its passage.

CHAP. 457.—An ACT to amend and re-enact section 87 of the charter of the city of Richmond as amended by an act approved February 25, 1892, entitled an act to amend and re-enact sections 15, 23, 87 and 94 and subdivisions 5 and 6 of section 19 of the charter of the city of Richmond.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That section eighty-seven of the charter of the city of Richmond as amended by an act approved February twenty-fifth, eighteen hundred and ninety-two, entitled an act to amend and re-enact sections fifteen, twenty-three, eighty-seven and ninety-four, and subdivisions five and six of section nineteen of the charter of the city of Richmond be amended and re-enacted so as to read as follows:

§ 87. In time of exigency said commissioners, or a majority of them, or any one of them, if the others should be absent from the city or unable to act, may appoint temporarily without authority from the city council a suitable number of additional policemen for such time as shall appear necessary, not, however, to extend beyond the next meeting of the city council. The mayor may confer police powers upon the clerks of the markets and their deputies, keepers of parks and cemeteries and their subordinates, watchmen and custodians of the city reservoirs, and janitor or superintendent of the city hall and his subordinates, and such other officers or employees and their subordinates, of the city as shall have custody of any other piece or part of the city's property so as to authorize them to prevent any violation of any law or city ordinance within or upon such pieces or parts of the city property as may be under their charge or custody, and to prevent any injury or damage from being done to such pieces or parts of the city property; and the bailiff of the police court shall have police powers when acting under the orders of the police justice of the city.

2. This act shall be in force from its passage.

CHAP. 458.—An ACT to amend and re-enact the first section of an act entitled an act to authorize the supervisors of Amherst county to issue bonds for the purpose of retiring outstanding bonds, approved February 24, 1888.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That section one of an act entitled an act to authorize the supervisors of Amherst county to issue bonds for the purpose of retiring outstanding bonds, approved February twenty-fourth, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows:

§ 1. That it shall be lawful for the board of supervisors of Amherst county to issue the bonds of said county, not to exceed twenty-seven thousand dollars in amount, with which to retire its bonds maturing in the year nineteen hundred and nine, said bonds to be issued in denominations of fifty, one hundred and five hundred dollars, to bear interest at the rate of not more than six per centum per annum, for which coupons may be issued, payable semi-annually; said bonds to run for twenty years and to be redeemable at the pleasure of said county, and to be signed by the president of the board of supervisors and under the seal of the county.

2. This act shall be in force from its passage.

CHAP. 459.—An ACT to prohibit the catching of fish with seines, weirs, and nets in lake Drummond.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to fish in the waters of lake Drummond, in Norfolk and Nansemond counties, by seines, weirs, drive-nets, dip-nets, set-nets, or in any other way or manner, except angling with hook and line, for the term of five years from the passage of this act.

2. Any person guilty of violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined ten dollars for each offence and be imprisoned in jail until the fine is paid, but not exceeding thirty days, and forfeit all nets or other contrivances employed by him in such violation.

3. This act shall be in force from its passage.

CHAP. 460.—An ACT to amend and re-enact section 3164 of the code of Virginia, in reference to allowance to jurors and requiring lists certified by the judge of the court and the clerk thereof to be sent to the treasurer of the county or corporation and to the auditor of public accounts immediately after the adjournment of any court.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That section three thousand one hundred and sixty-four of the code of Virginia be amended and re-enacted so as to read as follows, to-wit:

§ 3164. To transmit to auditor list of allowances against the state made to jurors, and to deliver to jurors copies of allowances made them. Treasurers to pay jurors; how reimbursed; when payment of such allowances barred.—It shall be the duty of such clerk immediately after the adjournment of the court to transmit to the auditor of public accounts, and also to the treasurer of the county or corporation, a list of all orders under the preceding section, making allowances against the commonwealth, with a certificate to the correctness of the list, and the aggregate amount thereof, signed by the judge of the court and himself, annexed thereto: and also to deliver to each juror certified copies of any orders making an allowance to him whether the same be payable by the commonwealth or by the county or corporation; and the treasurer of such county or corporation shall, upon demand, pay to such juror the amount allowed him, which shall be repaid to the said treasurer out of the public treasury, or out of the county or corporation levy, as the case may be, upon the production of satisfactory proof that the same has been actually paid by him, but the said treasurer shall not be repaid any allowance made against the commonwealth unless it appears on the list herein directed to be sent to the auditor of public accounts; no such allowance shall be paid unless presented within two years from the time of rendering the service.

CHAP. 461.—An ACT to amend and re-enact sections thirty-five hundred and forty-nine and thirty-five hundred and fifty of the code of Virginia, in reference to allowance to witnesses; how and by whom entered; by whom and upon what certificate paid, and requiring lists, certified by the judge of the court and the clerk thereof, of all allowances made witnesses on behalf of the commonwealth, to be sent to the treasurer of the county or city and to the auditor of public accounts immediately after the adjournment of any court.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That sections thirty-five hundred and forty-nine and thirty-five hundred and fifty of the code of Virginia be amended and re-enacted so as to read as follows:

§ 3549. Allowance to witness; how and by whom entered.—A

person attending as a witness under a summons shall have fifty cents for each day's attendance, and four cents per mile for each mile beyond ten miles necessarily traveled to the place of attendance, and the same for returning, besides the tolls at the bridges and ferries which he crosses, or turnpike gates he may pass. On his oath an entry of the sum he is entitled to, and for what and by what party it is to be paid, shall be made when the attendance is before either house or a committee of the general assembly by the clerk of such house or committee, and in other cases by the clerk of the court in which the case is or the person before whom the witness attended, except that where the attendance was on behalf of the commonwealth before a court or justice the entry shall be made upon the minutes of the court in which the case is, or to whose clerk the certificates mentioned in section seven hundred and eighteen of the code are transmitted. A witness summoned to attend in several cases may have the entry made against either of the parties by whom he is summoned, but no witness shall be allowed for his attendance in more than one case at the same time.

§ 3550. By whom and upon what certificate paid; duty of clerk; by whom dispute between witness and party determined.—The sum to which a witness is entitled shall be paid out of the treasury in any case of attendance before either house or a committee of the general assembly, and in any other case in which the attendance is for the commonwealth, except where it is otherwise specially provided. In all other cases it shall be paid by the party for whom the summons issued. The payment shall be on a certificate of the person required by the preceding section to make the entry, or the clerk of the court in whose minutes the entry is made. The certificate shall express by letters, and not by figures, the separate amounts to which the witness is entitled for his attendance, traveling, and tolls and ferriages which he may have to pay, and the aggregate thereof. No clerk or other person authorized to make such entry or give such certificate shall become interested, by purchase, in any claim payable out of the public treasury, which by law he is authorized to certify; and it shall be the duty of such clerk, immediately after the adjournment of any court, to make out two lists of all entries made, on behalf of witnesses attending for the commonwealth, and certify one to the auditor of public accounts and the other to the county or city treasurer, to which lists shall be attached a certificate to the correctness of the allowances therein and the aggregate amount thereof, signed by the judge of the court and the clerk. Any dispute, before or after issuing the certificate between the witness and the party against whom his claim is made as to its justice or amount, may, when the case is in a court or before a justice, be determined by such court or justice. The auditor of public accounts shall preserve in his office all such lists which shall be forwarded to him. He shall not issue a warrant for any claim allowed by a court to a witness, unless it appears upon the list, certified as herein provided; and upon the payment of any such claim the date of payment shall be noted on such list.

CHAP. 462.—An ACT to allow W. Hutchison, treasurer of Prince William county, to collect by levy certain tax bills not returned delinquent.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for W. Hutchison, treasurer of Prince William county, to collect by levy and distress, all tax bills assessed for the years eighteen hundred and ninety-two, eighteen hundred and ninety-three, and eighteen hundred and ninety-four, which have not been returned delinquent nor insolvent; provided, however, that the right to collect by levy shall not continue beyond one year from the passage of this act.

2. This act shall be in force from its passage.

CHAP. 463.—An ACT authorizing the board of supervisors of Page county to apply any surplus that may arise from what is known as the railroad tax to the payment of the amount expended by said board in the erection of a jailer's residence and jail in said county.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Page county be, and they are hereby, authorized to apply any surplus that may arise from what is known as the railroad tax from the levy for the year eighteen hundred and ninety-five and ninety-six to the payment of the amount expended by said board in the erection of a jailer's residence and jail in said county.

2. This act shall be in force from its passage.

CHAP. 464.—An ACT to amend and re-enact section 2,295 of the code in relation to the liability of the corpus of the equitable separate estate of married women for their contracts.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-two hundred and ninety-five of the code be amended and re-enacted so as to read as follows:

§ 2295. Liability of separate estates of married women for their contracts.—Every contract hereafter made by a married woman which she has the power to make shall be deemed to be made with reference to her estate, which is made her separate estate by this chapter as a source of credit, and every such contract shall be deemed as intended to be made with reference to her equitable separate estate also, if any she has, as a source of credit to the extent of

her power over the same unless the contrary intention is expressed in the contract; and in the enforcement of every such contract against her equitable separate estate a court of equity may in any case subject, to the extent of her power over the same and of her interest therein, the corpus of any real estate as well as the corpus of any personal estate settled to her separate use, but the corpus of such real estate shall not be subjected by a sale of the same, or any part thereof, unless it is admitted or be made to appear that the rents and profits of such real estate will not be sufficient to discharge the liabilities of such estate within five years; provided that if the contract be a covenant or warranty in such a writing as is mentioned in section twenty-five hundred and two, it shall be subject to the provisions of said section.

2. This act shall be in force from its passage.

CHAP. 465.—An ACT for the relief of John Hargrove, George W. Gates, John W. Bain and W. Fisher, deputies of the late Colonel William M. Field, treasurer of Dinwiddie county.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for John Hargrove, George W. Gates, John W. Bain and W. T. Fisher, deputies of the late William M. Field, deceased, treasurer of Dinwiddie county, to collect by levy all taxes and county levies for the years eighteen hundred and ninety, eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three and eighteen hundred and ninety-four, now in their hands, and which have not been returned delinquent or insolvent, and for which the said treasurer has accounted for to the state and county authorities, respectively; provided authority under this act shall cease at the end of one year from July first, eighteen hundred and ninety-six.

2. This act shall be in force from its passage.

CHAP. 466.—An ACT to amend and re-enact chapter 559 of an act approved March 1, 1892, acts 1891-'92, entitled "An act to amend and re-enact sections 3807 and 8810 of the code of Virginia, relating to the protection of religious meetings and meetings for the promotion of the cause of temperance."

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That an act to amend and re-enact sections thirty-eight hundred and seven and thirty-eight hundred and ten of the code of Virginia, eighteen hundred and eighty-seven, relating to the protection of religious

meetings and meetings for the promotion of the cause of temperance, as amended and re-enacted by chapter five hundred and fifty-nine of an act approved March first, eighteen hundred and ninety-two, acts eighteen hundred and ninety-one and ninety-two, be amended and re-enacted so as to read as follows:

§ 3807. If any person erect or have any booth, stall, tent, carriage, boat, vessel, vehicle, or other contrivance for the purpose of selling or otherwise disposing of any spirituous or fermented liquors, or any other article of traffic, or shall carry on any business whatever growing out of and dependent upon such meeting, or sell or otherwise dispose of any spirituous or fermented liquors, or any other article of traffic, within three miles of any camp-meeting or other place of religious worship or place of any public meeting for the promotion of the cause of temperance, during the time of holding any meeting for religious worship or for the promotion of the cause of temperance at such place, he shall for the first offence be fined not less than ten nor more than twenty dollars and be committed to jail until the fine and costs are paid, and for the second offence be fined as aforesaid and confined in jail not less than ten nor more than thirty days.

§ 3810. The supervisor or any justice of the magisterial district where a religious meeting or other meeting is held for the purpose of promoting the cause of temperance may appoint a temporary police to aid in enforcing any of the provisions of section thirty-eight hundred and five, and the sections following to thirty-eight hundred and eight, inclusive. *The supervisor or any justice of the magisterial district where a religious meeting is held shall, upon the written application of the conductor of such meeting, appoint as many temporary police as may be necessary to enforce order at such meeting, the authorities of such meeting paying all expenses attending the appointment of such officers.*

2. This act shall be in force from its passage.

CHAP. 467.—An ACT to give to John C. Hall, late treasurer of the county of Franklin, and his deputies, power of levy and distress to collect certain uncollected tax-tickets now in his hands.

Approved February 24, 1896.

Whereas John C. Hall, late treasurer of the county of Franklin, has in his hands various tax-tickets for which he has accounted to the state and county; therefore,

1. Be it enacted by the general assembly of Virginia, That the said John C. Hall, late treasurer as aforesaid, and his deputies, shall have the same power of levy and distress as is now possessed by treasurers under the revenue laws until January first, eighteen hundred and ninety-seven, to collect the uncollected tax-tickets in his hands not returned delinquent or insolvent for the years eighteen hundred and ninety-two, eighteen hundred and ninety-three and

eighteen hundred and ninety-four, for which he has accounted to the proper fiscal agents.

2. This act shall be in force from its passage.

CHAP. 468.—An ACT to amend and re-enact section three of an act approved March 5, 1894, entitled an act to incorporate the Chesterfield transit company.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That section three of an act approved March five, eighteen hundred and ninety-four, entitled an act to incorporate the Chesterfield transit company, be amended and re-enacted so as to read as follows:

§ 3. The location of the said pipe lines shall be from the city of Richmond or such other point or points upon the James river as may be selected through the county of Chesterfield, with the right to extend the same to such points as may be selected on the West Virginia state line, or to any intermediate point, and it may build branch lines to any of its lands or works; provided that work under this charter shall begin within two years from the first day of January, eighteen hundred and ninety-six, and the line shall be open to transportation within three years thereafter.

2. This act shall be in force from its passage.

CHAP. 469.—An ACT to require treasurers to report the payment of delinquent taxes made before sale to clerk of court and such clerk to endorse such payment on delinquent list in his office.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That the treasurer of each county and city shall immediately after the sale made of any lands delinquent for taxes or levies furnish to the clerk of his county or corporation court, as the case may be, a list of all persons whose lands had been returned delinquent and who had paid such delinquent taxes and levies to such treasurer prior to such sale, and such clerk shall immediately endorse such payment on the delinquent list filed in his office for the corresponding year opposite the name of the tax-payer whose land had been returned delinquent.

2. This act shall be in force from its passage.

CHAP. 470.—An ACT to incorporate the Blacksburg railway company.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That Alexander Black, J. M. McBride, A. A. Phlegar, W. H. Palmer and A. L. Boulware, and their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Blacksburg railway company.

2. The capital stock of the company shall be fifty thousand dollars, divided into shares of one hundred dollars each, and may from time to time be increased by the board of directors, with the consent of a majority of the stockholders, to any amount not exceeding one hundred thousand dollars.

3. The said Blacksburg railway company is authorized and empowered to locate, construct, equip and operate with steam, electricity, or any other motive power, a railroad of standard gauge, commencing at Christiansburg, or some point in Montgomery county, Virginia, on the Norfolk and western railroad, to the town of Blacksburg, in same county, and may extend the same to any point in Montgomery county, or to connect with the New river division of the Norfolk and western railroad at some point in Pulaski county.

4. The said company shall have power to borrow money, or to issue and sell its bonds from time to time in such manner and upon such terms as its board of directors may deem proper and necessary in the prosecution of its works, and to secure the payment of said loans or bonds the said company may create one or more mortgages or deeds of trust on the whole or any part of its property, chartered rights and franchises.

5. The said company may receive subscriptions to its capital stock in land, property, materials, equipment, minerals, mines, labor and so forth, at such valuation and upon such terms as its board of directors may think proper, and may also accept and receive any of the same as donations. It may also receive subscriptions to its capital stock or donations from associations, companies or corporations.

6. The county of Montgomery or the towns of Christiansburg and Blacksburg may subscribe to its capital stock in the mode prescribed by law, or may make such donations as either of them may think proper; and for the purpose of making such subscription or donation they may borrow money or issue their bonds in such manner and upon such terms as they may choose.

7. It shall be lawful for the said company to consolidate with, lease, or sell its works, property, franchises and privileges to any other railroad company, and any other company is hereby authorized to purchase the same. And any incorporated company may, by purchase or subscription or otherwise, obtain, hold or transfer the bonds and stock of said company.

8. The state of Virginia being interested in the construction of this road, on account of the location of the Virginia agricultural and

mechanical college at Blacksburg, the governor of Virginia is hereby authorized to hire or lend to the said company such convicts in the Virginia penitentiary as may be available for such time or upon such terms as he may think proper; and the board of visitors of the said college are hereby authorized to donate or lease, as they may think proper, to the said company so much of the land of the Virginia agricultural and mechanical college as they may think proper for right of way and depot and terminal facilities.

9. The corporators named in this act shall constitute the board of directors for the first year, and shall continue in office until their successors shall be elected and qualified. They shall have the power and authority of a president and board of directors for the purpose of organization and for all other purposes incidental thereto. They shall elect one of their number president of the board and may appoint such officers as they may deem proper. They may receive subscriptions to the capital stock of the company, and whenever ten thousand dollars shall have been subscribed the board may proceed to organize by the election of a president, secretary, and treasurer, or such officers and agents as they think proper. Thereupon the said company shall be considered legally organized and shall have all the general powers conferred upon corporations and chartered companies by the laws of this state, and shall be subject to all the provisions thereof except so far as the same are modified by or are inconsistent with this act.

10. All taxes due to the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

11. The road shall be commenced within two years and shall be completed within five years from the passage of this act.

12. This act shall be in force from its passage.

CHAP. 471.—An ACT to authorize the board of supervisors of Giles county to issue bonds for the purpose of building a bridge or bridges in said county.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board of supervisors of the county of Giles, by order entered of record, to submit to the qualified voters of said county whether or not the bonds of said county shall be issued for the purpose of raising funds to be applied to the building of a bridge or bridges across one or any of the water courses in the said county of Giles.

2. Such vote shall be taken after at least thirty days' notice at any general or special election held in said county. The ballots used at such election shall be "For bridge bonds" and "Against bridge bonds," and such election shall be held and certified in the mode prescribed by law for holding and certifying elections under the laws of this state, except that the election returns shall be made

to the board of supervisors, who shall canvass the returns and ascertain the result, and spread the same upon the records of the board.

3. Said board in submitting said question shall state in its order the aggregate amount of fifty thousand dollars, for which the bonds of the county are proposed to be issued, which shall also be stated in the notice for such election.

4. If a majority of the qualified voters of said county voting on the question shall be in favor of the issuance of said bonds, then it shall be the duty of said board of supervisors to issue the bonds of said county of Giles to such amounts and at such times as the necessities may require, and in such denominations and payable at such times and at such place in Giles county as said board shall determine, said bonds to bear interest at a rate not exceeding five per centum, and may be for any aggregate amount, not exceeding, however, the aggregate amount stated in the order submitting said question to a vote as aforesaid.

5. Said bonds shall be signed by the chairman of the board of supervisors and countersigned by the clerk of the board, with the seal of the board attached. The said board shall sell such bonds at not less than par, and shall have power to appoint an agent or agents therefor and provide for his compensation, but the bonds when issued shall be placed in some depository to be chosen by the said board of supervisors, and shall only be delivered to the purchaser upon receipt, by such depository, of the purchase money therefor.

6. The proceeds arising from the sale of said bonds shall be applied to the building of a bridge or bridges in said county in such manner as said board of supervisors, the judge of the county court, the attorney for the commonwealth, and the board of road commissioners, who together shall constitute a committee for the purpose, shall direct: provided that not less than six of the aforesaid committee shall constitute a quorum, and a majority of all the votes of said committee shall be necessary in deciding any issue which may arise under the provisions aforesaid. The board shall have power, and it shall be the duty of said board, to take bonds with approved security and in sufficient penalties from all persons and agents intrusted with said funds, to the end that said funds shall be at all times amply protected; and the said board shall annually, at its July meeting, cause a full statement of the funds arising under this act for the preceding year to be spread upon the records of the board.

7. The said board of supervisors shall annually levy on the real and personal property in said county an amount sufficient to pay the interest on said bonds and to provide a sinking fund sufficient to extinguish such bonds at their maturity, which levy shall be collected by the county treasurer as other county levies are collected, and the said treasurer shall account therefor in such manner as the said board shall direct.

8. Said county treasurer before collecting said levies shall execute before said board of supervisors a bond, with approved security, in a penalty double the amount which will go into his hands under this act, and conditional to faithfully perform his duties under this

act; provided that the statement in writing of said treasurer and his securities on his official bond as treasurer, agreeing that the said official bond shall cover the liability of said treasurer under this act, may be accepted by said board in lieu of a bond, and thereafter such official bond of such treasurer shall be held conclusively to cover all funds mentioned in this act.

9. The bonds herein authorized to be issued shall in the discretion of the board of supervisors be exempt from county levies.

10. This act shall be in force from its passage.

CHAP. 472.—An ACT to allow William T. Lewis to erect a wharf on Chincoteague bay, in Accomac county.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That William T. Lewis, of Chincoteague, in the county of Accomac, be, and he is hereby, authorized and permitted to erect a wharf upon his land on said Chincoteague island with a water front sixty feet wide on Chincoteague bay, subject to all the laws of the state governing all wharves erected on the waters of the commonwealth; and provided, also, that this act shall at all times be under the control of the general assembly of Virginia, and be amended or repealed as may be deemed proper.

2. This act shall be in force from its passage.

CHAP. 473.—An ACT to allow Charles T. Jester to erect a wharf on Chincoteague bay in Accomac county.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That Charles T. Jester, of Chincoteague, in the county of Accomac, be, and he is hereby, authorized and permitted to erect a wharf upon his land on said Chincoteague island with a water front fifty feet wide on Chincoteague bay, subject to all the laws of the state governing all wharves erected on the waters of the commonwealth; and provided, also, that this act shall at all times be under the control of the general assembly of Virginia, and be amended or repealed as may be deemed proper.

2. This act shall be in force from its passage.

CHAP. 474.—An ACT to locate the court-house, clerk's office, and jail of the county of Warwick.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That the court-house, clerk's office, and jail of the county of Warwick shall be located at their former site, in Denbeigh magisterial district, in Warwick county.

2. The records of the county of Warwick shall remain in the clerk's office of the corporation court of the city of Newport News, and under the care and custody of the clerk of the corporation court of the city of Newport News; and the judges of the circuit and county courts of the county of Warwick shall cause to be copied from said records all of the records pertaining to said courts and required to be kept in the clerk's office thereof from the first day of January, anno domini eighteen hundred and eighty, such copies to be filed in the clerk's office of the said courts and to have the same effect and force, in all respects whatever, as the originals; and that the records in all cases pending in the circuit and county courts of Warwick county be removed to the clerk's office of said county in Denbeigh magisterial district.

3. That from the passage of this act the courts for the said county of Warwick shall be held at the court-house of the said county of Warwick, in Denbeigh magisterial district, in Warwick county.

4. This act shall be in force from its passage.

CHAP. 475.—An ACT to amend the charter of the State building and loan company, granted by the circuit court of the city of Richmond on the seventh day of June, 1894.

Approved February 24, 1896.

Whereas a charter was granted to the State building and loan company by the circuit court of the city of Richmond on the seventh day of June, eighteen hundred and ninety-four, and the said charter was duly recorded in the office of the secretary of the commonwealth of Virginia as required by law; and whereas the said company was duly organized under said charter by the subscription of more than the minimum capital stock required thereby, and has ever since the granting of said charter continued to do business as a body politic and corporate thereunder; and whereas at a general meeting of the stockholders of the said company held at its principal office in the city of Richmond on the fourteenth day of January, eighteen hundred and ninety-six, a resolution was adopted by the votes of a majority of all of the stockholders of said company authorizing the board of directors and the attorney of the said company to apply to the circuit court of the city of Richmond to have the said charter

amended as hereinafter amended by this act; and whereas the application of the said company was made to the said circuit court of the city of Richmond on the seventh day of February, eighteen hundred and ninety-six, to have said charter amended in accordance with said resolution, and said application was refused by said court for the reason that said court, in the opinion of the judge thereof, did not have the power to amend the said charter as prayed in the said application; therefore,

1. Be it enacted by the general assembly of Virginia, That the third section of the charter granted to the State building and loan company by the circuit court of the city of Richmond on the seventh day of June, eighteen hundred and ninety-four, be amended so as to read as follows:

§ 3. The capital stock of the company shall not be less than fifty thousand dollars nor more than one million dollars, divided into shares of the par value of one hundred dollars and twenty-five dollars, respectively, each, payable either by one payment or in such installments and upon such terms as may be prescribed by its constitution and by-laws, and such capital stock to be issued in classes known as "class A," or installment stock, of the par value of twenty-five dollars per share, upon which monthly payments will be required; "class B," or paid-up stock, of the par value of twenty-five dollars per share, upon which only one payment will be required; "class C," or dividend stock, of the par value of twenty-five dollars per share, upon which only one payment will be required, and upon which a dividend of eight per centum per annum will be guaranteed; "class D," or installment stock, of the par value of one hundred dollars per share, payable one dollar per share per month, and guaranteed to mature and be worth one hundred dollars per share at the expiration of eighty months from date of issue; "class E," or certificate of deposit stock, of the par value of one hundred dollars per share, bearing interest at the rate of six per centum per annum, which may be withdrawn at any time after the expiration of thirty days from date of issue on ten days' notice to the company; and "class F," or fully paid-up stock, of the par value of one hundred dollars per share, bearing interest at the rate of eight per centum per annum, payable semi-annually, which may be withdrawn at any time after the expiration of twelve months from date of issue on thirty days' notice to the company.

2. In a meeting of the stockholders of the said State building and loan company each stockholder of "class A," "class B," or "class C" stock may, in person or by proxy, give one vote, and each stockholder of "class D," "class E," or "class F" stock may, in person or by proxy, give four votes on each share of stock held by him in the same right.

3. A general meeting of the stockholders of the said State building and loan company may be held at any time upon the call of the board of directors, or of stockholders holding one-tenth in amount of the capital stock of said company, upon their giving notice of the time and place of such meeting for thirty days in a newspaper published in the city of Richmond.

4. All acts and parts of acts inconsistent with this act are hereby repealed.

5. This act shall be in force from its passage.

CHAP. 476.—An ACT to authorize the Port Norfolk electric railway company to extend its tracks.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That the Port Norfolk electric railway company shall have the right to extend its tracks from its present terminus in Norfolk county to any point within the county of Isle of Wight at or near Smithfield, or Nansemond county at or near Suffolk, and shall have the same rights and privileges and be subject to the same limitations and restrictions within said counties as are provided in the act of incorporation, approved December twenty-second, eighteen hundred and ninety-one.

2. The construction of this proposed extension shall be commenced within two years and be completed within five years from the passage of this act.

3. This act shall be in force from its passage.

CHAP. 477.—An ACT to allow the treasurer of Stafford county additional time to levy for and collect tax-tickets held by said treasurer and not returned delinquent.

Approved February 24, 1896.

Whereas H. G. Chesley, treasurer of Stafford county, has in his hands various tickets for taxes, both state and county, for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three and eighteen hundred and ninety-four, which have not been returned delinquent and insolvent and for which he has accounted to the auditor of public accounts and the county authorities; therefore,

1. Be it enacted by the general assembly of Virginia, That authority is hereby given the said H. G. Chesley, and his deputies, to collect the amount due upon said tickets for taxes, and they shall have the power of levy and distress for the same that treasurers now have under the present law, and that this power be extended for the period of one year from the passage of this act.

2. This act shall be in force from its passage.

CHAP. 478.—An ACT to amend and re-enact section 46 of an act approved February 29th, 1892, acts of 1891 and '92, chapter 439, entitled an act to amend and re-enact section 46 of chapter 4 of an act approved February 12th, 1890, entitled an act to change the name of Goodson to the city of Bristol, Virginia, and to provide a new charter for the same.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That section forty-six of an act approved February twenty-ninth, eighteen hundred and ninety-two, acts of eighteen hundred and ninety-one and ninety-two, chapter four hundred and thirty-nine, entitled an act to amend and re-enact section forty-six of chapter four of an act approved February twelfth, eighteen hundred and ninety, entitled an act to change the name of Goodson to the city of Bristol, Virginia, and to provide a new charter for the same, be amended and re-enacted so as to read as follows:

§ 46. That there shall be elected by the qualified voters of the city of Bristol on the fourth Thursday in May, eighteen hundred and ninety-six, and on the fourth Thursday in May every second year thereafter, one constable for said city, who shall hold his office for a term of two years and until his successor be appointed, elected and qualified, unless sooner removed from office. Said constable shall keep his office in such a convenient place in the city as may be designated by the city council, and shall receive such compensation for his services as is allowed by law. He shall have the same powers and duties and be subjected to the same penalties as are prescribed by law for the said constables. Said powers and duties shall be performed by him within the corporate limits of said city and within one mile of said corporation limits and within Washington county, and said constable shall also have the same powers and duties as the sergeant of said city, and may execute any process, civil or criminal, that may be executed by said sergeant and by the sheriff or the constables of Washington county within said county and said city.

2. This act shall be in force from its passage.

CHAP. 479 — An ACT to incorporate the Grayson county farmers mutual benevolent fire insurance company.

Approved February 24, 1896.

Whereas it is represented that a number of citizens of Grayson county are desirous of forming themselves into a benevolent association or company for the purpose of giving aid and assistance to each other in cases of loss by fire and lightning; therefore,

1. Be it enacted by the general assembly of Virginia, That Eli Hale, John M. McLean, Hardin Cox, James D. Perkins, George W. Gilham, and such other persons as are now or may hereafter become

associated with them, be, and they are hereby, created a body politic and corporate by the name of the Grayson county farmers mutual benevolent fire insurance company, and by that name are to have perpetual succession and a common seal, which it may alter or renew at its pleasure, and may sue and be sued, plead and be impleaded, contract and be contracted with, and make ordinances, by-laws, and regulations consistent with the laws of this state or the United States for the government of all under its authority, for the management of its business, and the due and orderly conduct of its affairs.

2. For the organization of said company it shall not be necessary that any capital stock shall be subscribed, but the corporation aforesaid and such other persons as may consent in writing may meet and organize at such time and place as a majority of them may designate, of which reasonable notice shall be given in some newspaper published at Independence, Virginia. The officers of the company shall be a president, vice-president, secretary, and as many directors as the company may deem necessary, all of whom shall be elected or appointed in such manner and for such time as the company shall prescribe. The fees of the membership, the ways and means of raising money to meet the contingent expenses of the company, apart from the losses by fire or lightning, the admission of new members, as well as the withdrawal and expulsion of any members, shall be prescribed and regulated by the by-laws of the said company.

3. The said company shall have power to insure its members who may own property in Grayson and Carroll counties, Virginia, against loss or losses by fire and lightning to an amount not exceeding in any case more than three-fourths of the estimated value of the property insured; and in order to enable it to raise the means of paying its liabilities, it shall be the duty of the board of directors, as soon as may be after the happening of the fire or lightning for which the company may be responsible for the losses and injury occasioned thereby, to assemble together and make such assessment upon each individual member of the company as the by-laws may authorize and provide for, which said assessment shall be paid by such member within forty days from the time of its being levied, and if any member, or his representative, on being notified by the said company, shall fail to pay his assessment within the period aforesaid the same may be recovered in the corporate name of the company by motion, after ten days' notice, in the county or magisterial court of the county where such member or his representative resides. Proof of the mailing of the notice of assessment by the officer of the company charged with that duty shall be sufficient proof of the service of notice of said assessment upon any member so assessed.

4. The general assembly of Virginia reserves the right to alter, amend and repeal this charter at pleasure.

5. This act shall be in force from its passage.

CHAP. 480.—An ACT to amend and re-enact section 3056 of the code of Virginia, 1887, providing for the establishment of circuit courts, and also to amend and re-enact subdivision 8, section 3057 of said code, constituting eighth judicial circuit.

Approved February 24, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty hundred and fifty-six of the code of Virginia, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 3056. Circuit courts established for counties and cities.—For the city of Williamsburg and county of James City, for that part of the county of Henrico which is without the corporate limits of the city of Richmond, and for every other county, and for each of the cities of Norfolk, Portsmouth, Petersburg, Lynchburg, Fredericksburg, Alexandria, Danville, Roanoke and Newport News there shall be a circuit court, which shall be called the circuit court of such county or city, or of such city and county, as the case may be.

2. And be it further enacted, That subdivision eight of section thirty hundred and fifty-seven of the code of eighteen hundred and eighty-seven be amended and re-enacted so as to read as follows:

§ 3057. The counties of Accomac, Northampton, York, Elizabeth City, Warwick, James City, New Kent, Charles City and the cities of Williamsburg and Newport News shall constitute the eighth circuit.

3. This act shall be in force from its passage.

CHAP. 481.—An ACT to authorize the sale of the church and lot on Mayo street, in Richmond, known as the Universalist-Unitarian church.

Approved February 24, 1896.

Whereas by deed dated June nineteenth, eighteen hundred and thirty-four, John Goddin and others conveyed to Robert Poore, Samuel S. Saunders, James J. Binford, Joseph Mayo and Blair Bolling, trustees, all that certain lot or parcel of ground lying and being situate on Locust street, in the said city of Richmond, whereon is now erected the building known as the first independent Christian church of the said city, to be used, applied and appropriated as a place of worship to the sole and separate use, benefit and behalf of the first independent Christian society of the city of Richmond, and no other use, benefit or purpose whatsoever, the said trustees having power to fill any vacancy which may occur in their number; and

Whereas the said church was composed of persons of the Universalist faith and those of the Unitarian faith; and

Whereas the number of persons of the Universalist faith is not sufficiently large at present to support a church; and

Whereas the persons of the Unitarian faith desire to establish a church in a more suitable and desirable part of the city; and

Whereas the buildings on said lot are in a very dilapidated condition and the trustees have not any means with which to repair the same; and

Whereas all persons in said city of both the Universalist and Unitarian faith, so far as the present trustees can ascertain, are desirous that the said property should be sold and the proceeds disposed of as hereinafter set forth:

1. Be it enacted by the general assembly of Virginia, That Charles J. Sinton, Samuel Sinton and George C. Thomas, trustees for said property, or any one of them, acting with the consent of the others, be, and they are hereby, authorized to sell said property at private or public auction, and apply the proceeds as follows: One-half of the same to be invested in the name of W. B. Gay, J. T. Johnson, E. F. Smith, Mistress E. D. Whitehead and J. C. Williams, trustees, to be used for the purchase or erection of a church for the congregation of or persons attending the church known as the first Unitarian church of the city of Richmond; the other half to be invested in bonds of the state of Virginia in the name of the Universalist general convention, a corporation, to be held until there shall be a Universalist church or congregation in the city of Richmond, when the said fund shall be used for the purchase or erection of a church for persons of the Universalist faith.

2. This act shall be in force from its passage.

CHAP. 482.—An ACT to incorporate the trustees of Warwick Lodge, Knights of Pythias, No. 72.

Approved February 24, 1896.

Whereas there is established in the city of Newport News, Virginia, a benevolent institution known as Warwick lodge, number seventy-two, Knights of Pythias, which has for its object mutual aid and assistance in time of sickness and other distresses, the burying of deceased members, and caring for their widows and orphans, and the elevation of the moral and social standard of its members; and

Whereas it is believed that the facilities of the said institution for the accomplishment of its benevolent purposes will be greatly promoted by obtaining an act of incorporation of the trustees of the said Warwick lodge, number seventy-two, Knights of Pythias, of Newport News, Virginia: therefore,

1. Be it enacted by the general assembly of Virginia, That Shelton Jones Harwood, Charles Christian Miller, John James Palmer, John W. Reynolds and Edward Newman Eubank, and their successors in office, be, and they are hereby, constituted and appointed a body politic and corporate by the name and style of the trustees of Warwick lodge, number seventy-two, Knights of Pythias, of Newport News, Virginia, and by that name shall have perpetual succession and a common seal, may contract and be contracted with, sue and

be sued, may acquire by donation or purchase, receive, hold and possess, for the use and enjoyment of Warwick lodge, number seventy-two, Knights of Pythias, of Newport News, Virginia, lands and other property, and subject to the wishes and direction of the said lodge may rent, sell, convey, invest, improve, encumber, and otherwise manage and dispose of the same as to the said lodge may seem most conducive to the interest and promotion of the benevolent purposes of the said lodge; borrow money and issue bonds for such length of time as to the said trustees may seem proper, and secure the payment thereof by deed of trust or mortgage upon the property, real or personal, of said lodge: provided the amount of land so acquired shall not exceed at any one time two acres, and shall be situated in the city of Newport News, and the amount of property so acquired, both real and personal, shall not exceed in value at any one time the sum of ten thousand dollars.

2. The said trustees and their successors shall hold office as trustees no longer than they remain members of the said lodge, or until their successors are duly elected and enter upon the discharge of their duties as trustees. Such number of trustees as shall be provided for by the by-laws of the said lodge shall be elected as often and in such manner as may be prescribed by the laws and regulations of the said lodge, and shall have power to appoint one of their number as president and one as secretary and treasurer, and when bonds are required to be given to the said lodge by any of its officers, the same may be made payable to the said trustees.

3. The said corporation shall be governed by such rules and regulations as may be prescribed for its action by the said lodge.

4. A majority of the trustees shall constitute a quorum for the transaction of business, but no real estate owned by said lodge shall be sold by the said trustees of said lodge unless such sale is first authorized by a majority vote of all the members in good standing of the said lodge, in person or by proxy, which shall be attested by a recorded vote of said lodge at a regular or called meeting.

5. All taxes and debts due the commonwealth shall be paid in lawful money of the United States, and not in coupons, both state and municipal.

6. The general assembly of Virginia reserves the right to alter, amend and repeal this charter at pleasure.

7. This act shall be in force from its passage.

CHAP. 483.—An ACT for compensation of William S. Jones and William T. Daugherty for services beyond the time allotted by law in assessing the lands of Elizabeth City county.

Approved February 26, 1896.

Whereas William S. Jones, assessor, and his assistant, William T. Daugherty, appointed by the county judge of Elizabeth City county,

being unable, with the most active and continuous efforts, to complete their work of assessing within the time allotted by law in the year eighteen hundred and ninety-five, were compelled, in order to complete their work, to go on with their labors twenty-seven days longer; and whereas their claim for this extra time though approved by the county judge, was refused to them by the board of supervisors of the county on the ground that the state and not the county ought to pay it: therefore,

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Elizabeth City, if they deem said claim fair and just, may direct that the same be paid out of the county treasury, and this shall in no wise be attended with any cost to the state.

2. This act shall be in force from its passage.

CHAP. 484.—An ACT to incorporate the McCullough terminal railway, wharf and warehouse company.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That A. A. McCullough, J. W. Perry, Marshall Parks, F. W. McCullough, George McIntosh, and their associates and successors, be, and are hereby, constituted and made a body corporate and politic by the name and style of the McCullough terminal railway, wharf and warehouse company, and by that name and style shall have all the rights and powers and privileges conferred, and be subject to all the rules and regulations and restrictions imposed, by the laws of the state applicable to such corporations not inconsistent with the provisions of this act.

2. The capital stock of the said company shall not be less than ten thousand dollars, and may from time to time, with the consent of a majority of its stockholders, be increased to an amount not to exceed five hundred thousand dollars, requisite for the purposes of the company by issue and sale of shares, the par value of which shall not be less than fifty dollars, from time to time, under such regulations as the board of directors of said company shall from time to time prescribe; and the directors may receive cash, labor, material, contracts, leases, real and personal property suited to the business of the company, in payment of subscriptions to the capital stock, at such valuations, in such manner, and on such terms as may be agreed upon between the directors and the subscribers. The persons first named in this act, or such of them as shall accept the provisions thereof, shall have the power and authority of a president and board of directors for the purpose of organizing, and all other purposes. They shall constitute the board of directors for the first year after organization, and shall continue in office until their successors shall be elected and qualified. Each stockholder in the company shall, at all meetings or elections, be entitled to one vote for each share of

stock registered in his name. The board of directors shall appoint one of their number president, and may fill any vacancy that may occur in said board unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever the minimum of capital stock herein named shall have been subscribed and the board of directors shall have elected a president said company shall be considered legally organized, and may proceed to the transaction of business.

3. The annual meetings of the stockholders of said company shall be held in the city of Norfolk on Thursday after the first Monday in April of each year, and in all meetings of stockholders subscribers who have paid all calls on their stock theretofore made shall be entitled to one vote for each share of stock held by such stockholder, which vote may be cast in person or by proxy.

4. The said McCullough terminal railway, wharf, and warehouse company is hereby authorized and empowered to locate, construct, equip and operate a railway, with all necessary tracks, sidings, and branches (the latter not to exceed five miles in length), at any point or points near the harbor of Norfolk, and for that purpose may acquire a title in the mode prescribed by law, to a continuous line of one hundred feet in width of land and such additional lands as may be necessary for the use of the said company; provided, however, that said company shall not be authorized to condemn the property or water frontage of any work of internal improvement or of any other wharf, warehouse, or terminal company, or obstruct the same.

5. The said company is also authorized to construct, at such points as it may select, at or near the city of Norfolk, or at tide-water on any of the branches of the Elizabeth river, wharves, piers, docks, warehouses, elevators, and cotton presses suitable for the accommodation of steamships and vessels, and for the convenient unloading, shipping, and storing of all kinds of merchandise; and said company may conduct a general dock, wharf, and lighterage business, and may acquire, buy, lease, or purchase such real or personal estate as it may deem necessary for its purposes, and may build, purchase, or hire lighters, vessels, and other appliances used in the business; it may receive for storage all kinds of merchandise for safe-keeping and may conduct any business usually conducted by warehousemen, wharfingers, and lightermen, and may charge and collect compensation for storage, wharfage, and lighterage at such rates and on such terms as may be agreed upon between it and its customers; and for any advances made by it on merchandise stored or deposited with it for shipment; and for all its charges and expenses said company shall have a preferred lien on said merchandise, which shall be paid before said company can be required to deliver the same.

6. The said company shall have power to unite, consolidate, or connect its railway with any other line of railways constructed or which may be constructed in this state, upon such terms as may be agreed upon between it and such other railway company, and for this purpose power is hereby granted to it, and to any railway company incorporated by this state, to make and carry out such con-

tracts, by lease, purchase, or otherwise, as will facilitate such connection or consolidation.

7. Any railway, steamship, or navigation company with which said McCullough terminal railway, wharf, and warehouse company may connect is hereby authorized to subscribe to the capital stock of this company, and as to the stock so subscribed shall have the same privileges and powers and be subject to the same conditions and regulations as other stockholders therein.

8. The McCullough terminal railway, wharf, and warehouse company is also authorized, from time to time, to borrow such sums of money as may be necessary for its purposes, and for such loans issue its bonds, bearing interest at a rate not exceeding six per centum per annum; to sell, exchange, and hypothecate said bonds on such terms as it may deem advisable, and to secure the payment of said bonds and the interest thereon by deed of trust or mortgage, conveying its property and franchises, in whole or in part.

9. All taxes due the state of Virginia shall be paid in lawful money of the United States, and not in coupons.

10. This act shall be in force from its passage.

CHAP. 485.—An ACT to restrict the sale of spirituous liquors within two miles of Brodnax depot, on the Atlantic and Danville railroad, in Brunswick county, Virginia.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to sell spirituous liquors within two miles of Brodnax depot, on the Atlantic and Danville railroad. Any person violating the provisions of this act shall be fined not less than twenty-five nor more than two hundred dollars.

2. All laws in conflict with this are hereby repealed.

3. This act shall be in force from the first day of May, eighteen hundred and ninety-six.

CHAP. 486.—An ACT to allow M. Thornton, deputy treasurer of Gloucester county, further time in which to collect unpaid tax-tickets now in his hands.

Approved February 26, 1896.

1. Be it enacted by the general assembly of Virginia, That M. Thornton, deputy treasurer of Gloucester county, Virginia, be, and he is hereby, allowed one year from the passage of this act to dis-train, levy, and collect any unpaid tax-tickets now in his hands, not returned delinquent or insolvent, for which he has accounted to the proper officials, for the year eighteen hundred and ninety-three.

2. This act shall be in force from its passage.

CHAP. 487.—An ACT to repeal chapter 8 of the acts of the general assembly of Virginia, approved December 16, 1893, entitled an act to authorize the board of supervisors of Warwick county to increase the salary of the clerk of the county court of the said county.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That chapter eight of the acts of the general assembly of Virginia of eighteen hundred and ninety-three and ninety-four, entitled an act to authorize the board of supervisors of Warwick county to increase the salary of the clerk of the county court of the said county, approved December sixteen, eighteen hundred and ninety-three, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 488.—An ACT to authorize the county school board of Bath county to compensate school trustees.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That the county school board of Bath county may, in its discretion, compensate school trustees at the rate of one dollar and fifty cents per day for actual attendance on meetings of the county school board, payable from county school funds; provided, however, that no trustee as aforesaid shall receive more than ten dollars in any one year for services rendered on said county school board.

2. This act shall be in force from its passage.

CHAP. 489.—An ACT to regulate the granting of licenses to sell wine, ardent spirits, malt liquors, or any mixture thereof, in the town of Blackstone, Nottoway county, Virginia, or in two miles thereof.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That no license shall be granted to any person, club, or corporation to sell wine, ardent spirits, malt liquors, or any mixture thereof, cider containing alcohol, alcoholic bitters, or fruits preserved in ardent spirits, either by wholesale or retail, or to be drunk at the place where sold, or in any other way, within the corporate limits of the town of Blackstone, Nottoway county, Virginia, or within two miles thereof, unless and until the applicant shall produce to the court or officers authorized to grant such license the written consent of the council

of said town; and upon the production of a copy of the record of said council to said court, showing such consent and specifying the house in which it is to be sold, that the applicant is a corporation chartered under the laws of the state of Virginia, or, if the applicant is not a corporation, that the person so applying is sober, discreet, and of good moral character, and that the place is suitable and convenient, and that the applicant has paid into the treasury of said town the license tax charged by said town, which in no case shall be less than five hundred dollars, and to the treasurer of Nottoway county the tax required by law to be paid to the state for the exercise of said privilege, said court may grant such applicant a license to sell all or any of the things mentioned in this section by wholesale or retail, or to be drunk at the place where sold. Any person who shall, without first procuring a license, as required by this act, sell wine, ardent spirits, malt liquors, or any mixture thereof, cider containing alcohol, alcoholic bitters, or fruits preserved in ardent spirits, either by wholesale, retail, or to be drunk on the premises, or in any other way, within the corporate limits of said town or within two miles thereof, shall be punished by a fine of not less than thirty dollars and not more than one hundred dollars for each offence. The mayor of the said town, the council, or any member thereof, shall have jurisdiction to try any person charged with a violation of any of the provisions of this act and impose the punishment hereby inflicted. All fines imposed under this section shall be for the benefit of the town, and shall be paid into the treasury thereof.

2. This act shall be in force from its passage.

CHAP. 490.—An ACT to provide for the better preservation of order at race-courses, fair-grounds, base-ball and foot-ball parks, and other places where athletic sports are held.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That when uniformed police of any city are in attendance at a race-course, fair-grounds, base-ball or foot-ball park, and other places where athletic sports are held, situated without the corporate limits of any city, they shall, when requested so to do by the management of any such race-course, fair-grounds, base-ball or foot-ball park, or any other place where athletic sports are held, or by the county officials or special police appointed to preserve order, assist in the preservation of order and make arrests; and when any arrest is made as herein provided the offender or offenders shall be taken before a justice of the peace in the county where the offence was committed, to be by him dealt with according to law.

2. This act shall be in force from its passage.

CHAP. 491.—An ACT to amend and re-enact section one of an act of the general assembly of Virginia, approved January 9, 1896, entitled an act ratifying and confirming a resolution of the council of the city of Portsmouth, adopted in relation to the terms of its members.

Approved February 27, 1896.

Whereas by an act of the general assembly of Virginia, approved January ninth, eighteen hundred and ninety-six, entitled an act ratifying and confirming a resolution of the council of the city of Portsmouth, adopted in relation to the terms of its members, an error appeared in the resolution of the said council in relation to the terms of its members from the third ward of said city, Charles E. Outten being therein designated as the councilman who should hold office for the term of one year, and George M. Turner and W. A. Green being therein designated as the councilmen who should hold office for the term of three years under the provisions of said section twelve, when, by the said resolution, the said Charles E. Outten and George M. Turner should have been designated for the term of one year, and the said W. A. Green should have been designated for the term of three years, under the provisions of said section twelve; and

Whereas by a subsequent resolution of said council, adopted at a meeting held on the seventh day of January, eighteen hundred and ninety-six, the said Charles E. Outten and George M. Turner, from the third ward, were designated as the councilmen who should hold office for the term of one year, and the said W. A. Green, from the third ward, was designated as the councilman who should hold office for the term of three years, under the provisions of said section twelve; now, therefore,

1. Be it enacted by the general assembly of Virginia, That section one of an act approved January ninth, eighteen hundred and ninety-six, entitled an act ratifying and confirming a resolution of the council of the city of Portsmouth adopted in relation to the terms of its members, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the resolution of the council of the city of Portsmouth adopted at a meeting held December third, eighteen hundred and ninety-five, as amended by a resolution of said council adopted at a meeting held January seventh, eighteen hundred and ninety-six, designating which of its members should hold office for the term of one year, and which of its members should hold office for the term of three years, under the provisions of section twelve of the act approved February twenty-third, eighteen hundred and ninety-four, be, and the same is hereby, approved, ratified, and confirmed; and that the terms of office of J. Davis Reed, G. M. Reynolds, Joseph F. Weaver, Charles E. Murden, John H. Hume, Charles E. Outten, George M. Turner, John J. King, A. W. Moore, and W. V. H. Williams, who were designated by said resolutions to hold office for the term of one year, shall expire on the thirtieth day of June, eighteen hundred and ninety-six; and that the terms of office of C. S. Minter, J. W. Ash-

ton, C. S. Sherwood, C. W. Walker, D. W. Balentine, W. A. Green, L. C. Brinson, Samuel T. Montague, and W. H. Moore, who were designated by said resolutions to hold office for the term of three years, shall expire on the thirtieth day of June, eighteen hundred and ninety-eight.

2. This act shall be in force from its passage.

CHAP. 492.—An ACT to authorize the trustees to sell the William or Stoneberger church property in Page county, Virginia, and invest proceeds.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That David Judy and Reuben Judy, trustees of the Williams or Stoneberger church property, in Page county, Virginia, which was conveyed to John Naroman and Daniel Snyder, trustees, by Frederick Stoneberger, and so forth, on the twelfth day of October, seventeen hundred and ninety-five, be, and they are hereby, authorized to sell said property at public auction, upon the premises, after duly advertising the time and place of sale, upon such terms as they may deem most judicious, and upon the payment of the purchase money they shall execute a deed, with special warranty, conveying said property to the purchaser, and invest the proceeds of said sale in the Saint Luke's evangelical Lutheran church at Alma, in said county.

2. This act shall be in force from its passage.

CHAP. 493.—An ACT to empower the town council of Berryville to borrow money to construct an electric plant for lighting said town.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That the town council of the corporation of Berryville, Clarke county, Virginia, be, and it is hereby, authorized and empowered to borrow, upon the faith and credit of said town, a sum of money not exceeding five thousand dollars, to be used in erecting and constructing an electric light plant in said town; and if said town council should deem it necessary, to issue bonds upon the faith and credit of said town for the amount so borrowed, not to exceed five thousand dollars, said council is hereby fully empowered and authorized so to do; said bonds, if issued, to bear interest at a rate not exceeding six per centum per annum, payable annually or semi-annually, and to be in such series and of such denominations and payable at such times and in such manner as said council may see fit, and upon such conditions as may be agreed upon by said council and parties with

whom it negotiates, or as said council may see proper to impose. The town council shall embrace in its annual levy a sum sufficient to pay the annual interest on the sum so borrowed, and shall also provide by levy from year to year a sinking fund of not exceeding ten per centum on every one hundred dollars of taxable property within the said town, which sinking fund shall be held and applied to the payment of the principal of the debt so contracted by said council.

2. This act shall be in force from its passage.

CHAP. 494.—AN ACT to amend the 3d, 15th and 19th sections, and to repeal and re-enact sections 14 and 17 of an act passed March 2, 1892, entitled an act to provide for opening and keeping in repair the public roads of Pulaski county.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That the third, fifteenth, sixteenth and nineteenth sections of an act passed March second, eighteen hundred and ninety-two, entitled an act to provide for opening and keeping in repair the public roads of Pulaski county, be, and the same are hereby, amended and re-enacted, and that sections fourteen and seventeen of said act be, and the same are hereby, repealed and re-enacted so as to read as follows:

§ 3. That the commissions hereby created shall have full power to open, work, change, or discontinue roads in the district in which they reside, and shall have control also of the road funds and the appointment and removal of county engineer and the fixing of his salary. Each and every commissioner under this act shall qualify as other district officers are required by law to qualify, and upon his qualification shall execute a good and sufficient bond, before the court or judge before whom he qualifies, with surety to be approved by such judge or court, in the penalty equal to the total road fund that can be collected in any one year. Such bond shall be payable to the board of supervisors of said county, and with condition for the faithful accounting of all moneys that shall come into the county road fund and the faithful discharge of his duties imposed under this act.

§ 14. That it shall be the duty of each road commission, immediately after entering upon its duties of office, to divide the roads and bridges of their several districts into sections, a record of which divisions shall be filed with the clerk of the board of supervisors, and appoint a surveyor for such section or sections, whose duty it shall be to superintend and direct the opening, repairing and keeping in order of the county roads and to make or repair all county bridges of their respective districts for which they are appointed in such manner and under such regulations and restrictions as may be prescribed by said commission. The term of office of such road surveyors shall be one year, commencing on the first day of August next

succeeding their appointment. Said surveyors shall qualify as other district officers are required by law to qualify, and each of them shall enter into and acknowledge bond before the court or judge before whom he qualifies with surety, to be approved by such judge or court, in the penalty of five hundred dollars. Such bond shall be payable to the board of supervisors of said county, and with condition for the faithful discharge of his duties imposed under this act. A vacancy in the office of road surveyor shall be filled by the road commission of the district wherein the vacancy occurs. A recovery on any such bond shall be for the benefit of his road district. It shall be the duty of such surveyors to have charge of, and take proper care of, all tools, implements and machines which may be placed in their charge by the road commissions, and at the end of his term of office, or whenever directed so to do by the road commission of his district, to deliver the same to his successor in office or to such other person as the said commission may direct, and file a receipt therefor with the said commission. Such surveyors shall be authorized to hire horses or mules by the day at a rate not to exceed one dollar per day while actually engaged in work, when necessary. They shall be authorized, and it shall be their duty, to employ all necessary labor by the month or or by the day, or both, as the said road commissions shall deem best, and such day laborers shall be paid at a rate not to exceed ten cents per hour for the time actually engaged in work.

§ 15. Said commissions shall give personal supervision to all the roads and bridges within their respective districts. They shall see that the surveyors are faithfully performing their duties, and for any failure so to do any road surveyor so appointed may be removed by said road commission of his district upon written notice given to said surveyor and an opportunity given to said surveyor pursuant to said notice to appear and be heard by said commission: provided said commission consider cause for the removal to exist. And it shall be the duty of each commission to cause the roads in his district to be kept cleared, smoothed of rocks and obstructions, of necessary width, and the middle or bed of the road raised and sloped gradually each way from the middle to the sides, well drained, and otherwise in good order, and secured from the falling of dead timber therein; at the fork or crossing of every road shall keep erected sign-boards, on which shall be stated in plain letters the most noted places to which each road leads, and across each stream when it is necessary and practical a sufficient bridge, bench or log for the accommodation of foot passengers; and for each breach of duty under any of the sections of this act said commission shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in each case not less than ten nor more than fifty dollars.

§ 16. It shall be the duty of each road commission to furnish necessary tools or implements and machines for the use of surveyors working roads under this act, buying such as are necessary only upon the order of the chairman. They shall furnish vouchers for all expenditures, whether for tools, materials, pay to surveyors, to laborers hired by surveyors to work on the roads, engineers, and their own compensation quarterly, which, being approved by the board of

supervisors, shall be paid from the county road funds. The said road commissions shall determine what compensation shall be paid to such surveyors and for what time, and may fix such compensation at one rate for one month and at a different rate for a different month, so that such compensation shall not at any time exceed the sum of fifty dollars per month, or if the road commissions shall deem it advisable that such compensation shall be by the day, not to exceed the sum of two dollars per day for each day of ten hours of actual work upon said roads; and any surveyor appointed under this act shall be paid the amount so fixed by the road commissions, but no surveyor shall receive any compensation until he shall have been shown to have fully discharged the duties imposed upon surveyors under this act, and also fully complied with the provisions of the general road law of the state thereto applying for which no provision has been made under this act.

§ 17. Said provisions of chapter forty-three of the code of Virginia, as to all matters not specially provided for by this act, shall be in force in the county of Pulaski so far as the same are applicable thereto and not in conflict with this act.

§ 19. That the commissioners hereby created shall hold a meeting annually on the first Monday in July in each year at the court-house, for the purpose of dividing the roads and bridges of their several districts into sections, electing an engineer, the appointment of surveyors, fixing the compensation of each, the amount which shall be paid for the hire of horses or mules and teams, the manner in which laborers shall be employed to work on roads, and the amount to be paid for such labor, but the compensation for any such purposes shall not be at a greater rate than is specified under this act, and for the transaction of such other business as may properly come before them. They may also hold such special meetings, when necessary, at such times and places as they may find convenient, and shall have power to adjourn from time to time as they may deem necessary; and at any meeting a majority of the commissioners shall constitute a quorum.

2. This act shall be in force from its passage, and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAP. 495—An ACT to amend and re-enact section fourteen of an act entitled "An act to provide for the working of and keeping in repair the public roads and bridges of Page county, for opening new roads, and changing the location of existing roads," approved February 14, 1888.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That section fourteen of an act entitled an act to provide for the working of and keeping in repair the public roads and bridges of Page county, for opening new roads, and changing the location of existing roads,

approved February fourteenth, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows:

§ 14. All applications or petitions for opening new roads, whether for the benefit of one or more individuals or for changing the location or width of existing roads, shall be addressed to the board of supervisors, and the board shall proceed in the manner prescribed in sections ten, eleven, and twelve of this act as to appointment of commissioners, whose powers and duties, except as hereinafter enumerated, shall be the same as provided in said preceding sections, and any person aggrieved by the action of commissioners appointed to open a new road or change an existing road shall have the same remedy provided for aggrieved persons in section thirteen of this act. The commissioners appointed to locate a new road or change or widen an existing road shall employ a competent surveyor, who may be one of their number, who shall make a survey of the route of the road as located or changed. Such surveyor shall make out a report of such survey, giving the beginning and terminus of said road, the various bearings and distances of the route surveyed, and the width and grade of said road. A plat of said road shall accompany said report, and said plat and report, together with the report of the commissioners, if said road be opened or changed, shall be recorded in a book kept for that purpose by the clerk of the board and properly indexed, for which the said clerk shall be paid at the same rates now paid for recording similar papers. All roads in Page county which have been used and worked as public roads by the road authorities of said county are hereby declared to be in all respects and for all purposes provided by law, public roads of said county, whether the condemnation proceedings and other records of the opening of said roads and the dedication thereof to public use can be found or not.

2. This act shall be in force from its passage.

CHAP. 496.—An ACT to amend an act approved March 25, 1872, &c., declaring certain streams in Charlotte county to be highways.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That an act approved March twenty-fifth, eighteen hundred and seventy-two, declaring certain streams in Charlotte county to be highways, as amended by an act approved March twentieth, eighteen hundred and seventy-five, as amended by an act approved March fourteenth, eighteen hundred and seventy-eight, and as amended by an act approved March third, eighteen hundred and seventy-nine, declaring certain streams in Charlotte county to be highways, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That Wardsforth creek from Franklin's mill-dam to its mouth, Cub creek

from Harvey's bridge to its mouth, Roanoke creek from Roanoke bridge to its mouth, all in the county of Charlotte, shall be considered and are hereby declared to be highways, and shall be subject to all the provisions of law in reference to public roads now in force and applicable thereto except as hereinafter provided.

§ 2. It shall be the duty of the owners of the land lying and bordering on each bank of the said creeks above designated as highways to keep the said creeks lying within or bordering on their lands and the banks thereof properly cleared out and free from all obstructions except where authorized by law, and where any one of the said creeks is the line between different land owners, the owners on each side shall keep their banks and the bordering creek to the middle of the stream properly cleared and free from such obstructions.

§ 3. The county court of Charlotte shall from time to time appoint one or more overseers of the said creeks, who shall hold office for two years from the date of their qualification, unless sooner removed for cause by said court. The said overseer or overseers shall be charged with the duty of inspecting the said creeks above designated as highways during the months of April and October of each year, and at such other times as obstructions in the said creeks or on the banks thereof may be reported to him or them. The said overseer or overseers, if upon inspecting the said creeks find that the owner or owners of the lands lying and bordering on the banks of the said creeks has or have failed to keep the said creeks or either of them and the banks thereof clear of obstructions as required by this act, shall notify in writing the said owner or owners, if resident in the county, or his or their tenant or agent, if any such reside in the said county, of any and all such obstructions in the said creeks, or either of them, or on the banks thereof, and require him or them to remove and clear out such obstructions in twenty days from the time such notice is served on him or them. If the said owner or owners shall fail or refuse to remove or clear out such obstructions in the said creeks, or either of them, or on the banks thereof, within twenty days after he or they has or have been so notified by said overseer or overseers of such obstructions, the said overseer or overseers shall at once proceed to cause the said obstructions to be removed and report the cost to the board of supervisors of the county, who, if they approve of the amount of the bill rendered for the removal of said obstructions, shall order the treasurer of the county to pay the same, and shall at the same time levy a tax on the said land owner or owners sufficient to defray all the expenses incident to the removal of the said obstructions, including the cost of collecting the same, and the said tax shall have the same lien and be collected by the treasurer of the county as other taxes assessed by the said board. But if the said land owner or owners shall furnish the said overseer or overseers with labor to remove the said obstructions they shall have proper credit therefor.

§ 4. All of the acts mentioned in the preamble of this act, and all acts and parts of acts inconsistent with this act, are hereby repealed.

§ 5. The board of supervisors of Charlotte county shall allow each of the said overseers the sum of two dollars for each day he may be necessarily employed in discharging the duties imposed upon him by this act, to be paid out of the county treasury.

2. This act shall be in force from its passage.

CHAP. 497.—An ACT to amend and re-enact sections 2726 and 2728 of the code of Virginia, in relation to the action of ejectment.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-seven hundred and twenty-six and section twenty-seven hundred and twenty-eight of the code of Virginia be, and the same are hereby, amended and re-enacted so as to read as follows:

§ 2726. Who shall be defendants; when and how landlord may defend.—The person actually occupying the premises, and any person claiming title thereto, or claiming any interest therein adversely to the plaintiff, may also, at the discretion of the plaintiff, be named defendants in the declaration. If there be no person actually occupying the premises adversely to the plaintiff, then the action must be against some person exercising ownership thereon, or claiming title thereto, or some interest therein, at the commencement of suit.

If a lessee be made defendant at the suit of a party claiming against the title of his landlord, such landlord may appear and be made a defendant with or in place of his lessee.

§ 2728. What is to be stated in the declaration.—It shall be sufficient for the plaintiff to aver in his declaration that on some day specified therein (and which shall be after his title accrued) he was possessed of the premises claimed, and being so possessed thereof, that the defendant afterwards, on some day to be stated, entered into such premises, or exercised acts of ownership thereon, or claimed title thereto, or some interest therein, to his damage such sum as the plaintiff shall state.

2. This act shall be in force from its passage.

CHAP. 498.—An ACT to amend and re-enact section 2164 of the code of Virginia in reference to when license to dredge oysters granted to residents; application therefor as amended and re-enacted by act approved March 5, 1894.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-one hundred and sixty-four of the code of Virginia, eighteen hundred and eighty-seven, as amended by an act approved

March fifth, eighteen hundred and ninety-four, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 2164. When license to dredge oysters granted to residents; application therefor.—The said board shall on and after the first of January, eighteen hundred and eighty-five, provided the police force established in this bill is fully equipped and in operation, or if, in the judgment of the board, said police force is sufficient to protect the grounds in which dredging is prohibited, authorize any resident of this state to take and catch oysters with dredges or instruments other than ordinary oyster tongs in the Chesapeake bay; but this privilege shall not extend to Pocomoke sound, Hampton roads, Mob-jack bay, or Tangier sound, or west of a line drawn from the light-house on Rappahannock spit to the light-house on Wolf Trap spit, *or west of a line drawn from the lower end of Guinea marshes to York spit light-house and thence to Back river light-house*, nor to any inlet, creek, or river, nor to the mouths thereof, except the river Potomac and the following rocks in Tangier sound—to-wit: Johnson's rock, Thoroughfare rock, Hoxe's island rock, and California rock: provided that for the purposes of this act the southern boundary of Pocomoke sound shall be a right line running through the southeast buoy on Watt's island bar, it being buoy number three and the outer buoy at the mouth of Chesconessex creek: provided that no dredging shall be permitted between the fifteenth day of March and the fifteenth day of October of any year. Any resident desiring to dredge for oysters shall make application for such privilege to the inspector of the district and county in which he resides, which application shall be sworn to and shall plainly state the name of his vessel, the owner or owners thereof, the commander or person in charge, and the tonnage at which she is rated. Such statement shall further show the district or county in which the owner or owners reside; that they are and have been residents of the state twelve months next preceding the application; that no non-resident owners, in whole or in part, own said vessel, and that she is not held with any intention or under any agreement to return her at any subsequent time to a non-resident. Upon being satisfied of these facts the inspector shall register such vessels, and shall thereupon issue to such person a license granting him the privilege of dredging for oysters within the prescribed limits and season, which shall be plainly set forth in the license; and the inspector shall also furnish him two numbers, twenty-two inches long in black painted on canvas or domestic, which shall be placed on the side as herein prescribed; the number on his mainsail to be placed above the balance-reef in the centre of the sail half-way between the gaff and said reef, on the jib above the bonnet in centre of jib and on the opposite side of that of the mainsail. For such registration he shall pay to the inspector a fee of one dollar: provided no boat propelled in whole or in part by steam shall be used for purposes of dredging for oysters in the waters of this commonwealth. The form of the application and license required by this section shall be prescribed by the auditor of public accounts and blanks furnished to each inspector.

2. This act shall be in force from its passage.

CHAP. 499.—An ACT to amend and re-enact section 1792 of the code of Virginia, in relation to the issue of licensed warehouse and other licensed storage receipts, and to provide penalties in respect thereto.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That section seventeen hundred and ninety-two of the code of Virginia be amended and re-enacted so as to read as follows:

§ 1792. When receipts not to be issued; duplicate receipts.—No person shall issue any such licensed warehouse or other licensed storage receipt unless he be the keeper of a regularly licensed warehouse or other licensed place of storage in this state for goods, wares, merchandise, cotton, grain, flour, tobacco, lumber, iron, or other commodity stored with such person, and shall have duly paid to the commonwealth the tax for such license, and, unless the property therein mentioned shall be actually in store or on his premises and under his control at the time of issuing such receipt, nor shall a second or duplicate receipt for any property be issued while a former receipt for such property, or any part thereof, is outstanding and uncanceled without having written or stamped in plain letters across the face of such second or duplicate receipt the word "duplicate;" and the said duplicate shall express on its face the reason for the issuance of the same, stating whether the original receipt was lost, burnt, or stolen, and the person to whom said duplicate receipt is issued, shall give to the warehouse issuing the same, a bond in the penalty of double the value of the article for which said original receipt was given; and it shall be the duty of such person keeping such licensed warehouse or licensed place of storage, to cause to be posted prominently over the door of his place of business a sign indicating that such warehouse or place of storage is duly licensed; and such person shall also cause to be written or stamped in plain letters upon the bill-heads and envelopes used by him in said business words indicating that the warehouse or place of storage kept by him is duly licensed. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction fined not less than fifty dollars nor more than one hundred dollars for each offence.

2. This act shall be in force from its passage.

CHAP. 500.—An ACT to amend and re-enact an act entitled "An act to regulate and protect the crabbing industry, and to prohibit non residents from catching crabs in the waters of Virginia," approved March 7, 1894, and to repeal an act entitled "An act to protect the crab industry of the commonwealth," approved May 12, 1887.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That sections one and two of an act entitled "an act to regulate and protect

the crabbing industry, and to prohibit non-residents from catching crabs in the waters of Virginia," approved March seventh, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to catch crabs with scrapes or dredges on the planted grounds of private individuals, or the natural oyster-rocks in the state of Virginia.

§ 2. Any person violating the provisions of this act shall be deemed guilty of a felony; and upon conviction thereof shall be confined in the penitentiary not more than one year; or, in the discretion of the jury, may be confined not more than twelve months in jail, or fined not exceeding one hundred dollars.

2. And be it further enacted, That an act entitled an act to protect the crab industry of the commonwealth, approved May twelfth, eighteen hundred and eighty-seven, be, and the same is hereby, repealed.

3. This act shall be in force from its passage.

CHAP. 501.—An ACT to amend and re-enact section 50 of chapter 5 of the acts of the general assembly 1885-'86, entitled "an act to provide a new charter for the town of Wytheville," approved February 26, 1886.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That section fifty of chapter five of an act entitled "an act to provide a new charter for the town of Wytheville," approved February twenty-sixth, eighteen hundred and eighty-six, be, and the same is hereby, amended and re-enacted so as to read:

§ 50. Exemption from certain county taxes.—The town of Wytheville, its inhabitants, and all taxable property within the corporate limits of said town, shall be exempt from assessments for levies in the way of taxes imposed by the authorities of Wythe county for the maintenance of county schools, roads and paupers, outside the limits of said town, but for all other expenses the inhabitants of said town and all taxable property within its limits, shall be liable to the same assessments for levies in the way of taxes as the other inhabitants and taxable property of said county.

2. This act shall be in force from its passage.

CHAP. 502.—An ACT to amend and re-enact an act approved February 28, 1894, entitled "an act to amend and re-enact section 10 of an act entitled an act to incorporate the Chesapeake and West Virginia railroad company, approved February 16, 1892.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, The section ten of an act entitled an act to incorporate the Chesapeake and West Virginia railroad company, approved February sixteenth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 10. For the purpose of organizing said company the persons first named in this act shall constitute its first board of directors, and shall serve until its first meeting of stockholders; and three or more may act and may receive subscriptions to the capital stock at any time and place; and when the sum of fifty thousand dollars is subscribed, they shall convene the stockholders and organize said company. At said meeting one of their number shall preside, and they shall certify said organization on the books of the company, and their certificate, or a copy thereof, duly authenticated by a notary public, shall be received as evidence of the legal organization of said company. Said company or its successors shall begin the work of constructing its railroad within two years from the passage of this act, and shall complete its main line in this state within five years from the beginning of construction.

2. This act shall be in force from its passage.

CHAP. 503.—An ACT to amend and re-enact section 11 of an act approved January 22, 1892, entitled an act to amend and re-enact the charter of the town of Marion, Va.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That section eleven of an act entitled an act to amend and re-enact the charter of the town of Marion, Virginia, be amended and re-enacted so as to read as follows:

§ 11. That the said council shall also have power and authority to make all necessary provisions to prevent accidents by fire and to establish or enlarge water-works, gas-works or electric-light works within or without the said town; to contract and agree with the owners of any land, water rights or easements, for the use and purchase thereof, or to have the same condemned according to law, for the location, extension, enlargement, use or maintenance of said works, or any of them, the pipes connected therewith, or any of the fixtures or appurtenances thereof; and shall have the power to protect from injury, by ordinances prescribing adequate penalties, the said works, pipes, wires, fixtures and land, or anything connected therewith, whether

within or without the limits of said town; and they shall have the power to purchase hose, reels, fire-hooks, ladders, and other fixtures useful for preventing accidents by fire, and to organize fire companies. They shall also have power and authority to establish markets, and regulate the same, to graduate and pave, and in any other manner improve the streets, sidewalks and alleys of said town; to prevent and punish, by reasonable fines, the practice of firing guns or pistols, or in any manner setting fire to powder, of running, training or straining horses, and of all else detrimental to the peace and quiet of said town; to license and regulate shows and other public exhibitions, and the same to tax to such extent as they may deem reasonable and expedient; to prescribe rules for the orderly and regular building of houses and chimneys; to regulate blacksmith shops and all other shops considered likely to occasion accidents by fire, and the erection of stoves and stove-pipes; to regulate the erection of privies, hog-pens, stables and cow-sheds, and prescribe their location; to regulate butchers' stalls and slaughter-houses; to remove and abate nuisances within said town at the expense of those who may occasion them; to prohibit hogs, horses and goats and other animals from running at large within the limits of said town; to prevent the exhibition of studhorses or jackasses in said town; and generally to pass all by-laws and ordinances not contrary to the laws and constitution of this state or of the United States, which the said council may think necessary and proper for carrying into effect the foregoing powers, or that may hereafter be vested in them, and for regulating the police, preserving the peace, health and good order and government of said town, and to amend or repeal the same at their pleasure, and to enforce the observance of such by-laws and ordinances, under penalties not exceeding fifty dollars for each offence, to be recovered, with costs, in the name of said town, before the mayor of said town, and applied in aid of the taxes imposed upon said town.

2. This act shall be in force from its passage.

CHAP. 504—An ACT to amend and re-enact section 37 of an act entitled "An act to amend the charter of the city of Alexandria, approved February 20, 1871, as amended by an act approved March 22, 1871, and by an act approved the 17th day of March, 1876, and by an act approved March 20, 1877, and by an act approved January 25, 1879, and by an act approved March 1, 1888, and by an act approved February 25, 1892, and an act approved March 8, 1894."

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-seven of an act entitled an act to amend the charter of the city of Alexandria, approved February twentieth, eighteen hundred and seventy-one, as amended by an act approved March twenty-second, eighteen hundred and seventy-one, and by an act approved

March seventeenth, eighteen hundred and seventy-six, and by an act approved March twentieth, eighteen hundred and seventy-seven, and by an act approved January twenty-fifth, eighteen hundred and seventy-nine, and by an act approved March first, eighteen hundred and eighty-eight, and by an act approved February twenty-fifth, eighteen hundred and ninety-two, and by an act approved March eighth, eighteen hundred and ninety-four, be re-enacted and amended so as to read as follows:

Upon the organization of the board of police commissioners they shall select from the electors of the city of Alexandria, a chief and lieutenant of police, whose duty, pay, and bonds shall be such as may be ordained by the city council. Their warrants of appointment, signed by a majority of the board, must be filed with the auditor of the city of Alexandria. The board shall further elect such number of policemen as may be authorized by the city council. After the police force has been so constituted, any vacancy therein shall be filled by the board in like manner. Such chief, lieutenant, and policemen shall constitute the police force of the city and shall hold their respective positions during good behavior, or until they may be severally removed by the said board for cause, after such investigation as the board may deem necessary. The mayor of the city of Alexandria, shall have the power and authority to suspend the chief, lieutenant, or any policemen for misconduct in office for a period not to exceed thirty days or until such board shall convene and take action in the matter. The said board shall perform any other duties connected with the police department which the city council may delegate to it, and each member of the board shall be clothed with all the powers of a conservator of the peace under the laws of this state.

2. This act shall be in force from its passage.

CHAP. 505.—An ACT to allow Joel Shelly, late deputy treasurer of Scott county, further time of one year to distrain and levy for taxes for the year 1892.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That Joel Shelly, late deputy treasurer of Scott county, be allowed the further time of one year from the passage of this act to distrain and levy for taxes now in his hands and uncollected for the year of eighteen hundred and ninety-two, which have not been returned delinquent or insolvent, and for which he has accounted to proper authorities.

2. This act shall be in force from its passage.

CHAP. 506.—An ACT to provide for the auditing and payment of claims in connection with public free schools in school district No. 1, in the county of Warwick and the city of Newport News.

Approved February 27, 1896.

Whereas since the commencement of the present scholastic year of the city of Newport News, in the county of Warwick, has been incorporated; and

Whereas the territory embraced in the corporate limits of said city was wholly included in and was a part of school district number one, in the county of Warwick; and

Whereas before the incorporation of said city the county and district taxes for the support of the public free schools in said school district had been assessed and levied and were in the hands of the treasurer of the said county for collection and distribution according to law; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the school trustees for school district number one, in the county of Warwick, who were in office at the date of the incorporation of the said city of Newport News, be, and they are hereby, authorized to audit and provide during the present scholastic year for the payment of the public free school expenses and salaries of teachers of the public free schools in said school district number one, and in the city of Newport News, in manner and form in all respects as is provided by section fifteen hundred and forty-seven of the code of Virginia.

2. That the warrants drawn by the board of school trustees under the preceding section shall be paid by the treasurer of the county of Warwick as required by law, and in any settlement of the fund appropriated for this purpose he shall have credit for the amount of the warrants so paid.

3. This act shall be in force from its passage.

CHAP. 507.—An ACT in relation to commitment of minors to Prison association of Virginia and their custody.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That no person shall be committed to, receive into, held by, or detained in the prison association of Virginia after such person shall have reached the age of twenty-one years.

2. It shall be the duty of every judge, court, or magistrate who shall commit any minor to the custody of the prison association of Virginia first to notify the said association, or its appropriate officer, that said minors will be so committed with the assent of said association, and if said association shall assent to said commitment it

shall become its duty to send a proper officer or guard to receive and take charge of said minor, who shall be regarded as in the legal custody of said association from the time of being delivered to such officer or guard; and the proper travelling and other expenses of such officer or guard and of such minor shall be allowed and paid by the auditor of public accounts, but the expenses of only one such officer or guard in each case shall be so allowed and paid, unless upon the certificate of the president or other chief officer of said association that more than one officer or guard was necessary, and the reasons therefor.

3. Jurisdiction of all habeas corpus and other proceedings to test the right of said prison association of Virginia to retain custody of said minors as shall be committed or surrendered or received into its custody shall be exclusively in the circuit court of Richmond.

4. All acts and parts of acts inconsistent herewith are hereby repealed.

5. This act shall be in force from its passage.

CHAP. 508.—An ACT to amend and re-enact section 1065 chapter 45 of the code of Virginia in relation to the duties of fire marshals in cities and town.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That section ten hundred and sixty-five chapter forty-five of the code of Virginia, edition eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 1065. Certain duties of fire marshal.—The said fire marshal shall make an investigation into the origin and cause of every fire occurring within the limits for which he was appointed, and for any such service he shall receive such compensation as the council may allow. In making such investigation he is hereby invested with all the rights, powers and jurisdiction conferred on coroners by sections thirty-nine hundred and thirty-nine and thirty-nine hundred and forty and thirty-nine hundred and forty-two, of chapter one hundred and ninety-two of the code of Virginia, edition eighteen hundred and eighty-seven. He shall make report to the council by whom he was appointed of any investigation made by him as soon thereafter as practicable, returning therewith the evidence taken by him and submitting such recommendations therein as he may think the public interests demand. For his failure to discharge any duty required of him by law he shall be liable for each offence to a fine not exceeding one hundred dollars, to be imposed by the council and to be collected as other fines are collected.

2. This act shall be in force from its passage.

CHAP. 509.—An ACT to regulate the practice of veterinary medicine and surgery in the state of Virginia.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That from and after the first day of May, eighteen hundred and ninety-six, the following persons and no others shall be permitted to practice veterinary medicine or surgery in this state:

First. All persons who prior to the first day of May, eighteen hundred and ninety-six, are practicing veterinary medicine or surgery in this state: provided that before the first day of November, eighteen hundred and ninety-six, they shall apply in writing to the state board of veterinary examiners created by this act and furnish satisfactory proof that they have been in practice in this state prior to the first day of May, eighteen hundred and ninety-six. The state board of veterinary examiners shall thereupon issue to such person a certificate, without fee, allowing them to continue in practice without having to undergo an examination as provided by section seven of this act.

Second. All persons who shall hereafter receive certificates from the state board of veterinary examiners of this state as provided by section seven of this act, and who shall also in all other respects have complied with the provisions of the same.

2. All persons who begin the practice of veterinary medicine or surgery in this state on or after the first day of May, eighteen hundred and ninety-six, and all persons who neglect to comply with the requirements of the first clause of section one of this act shall comply with the provisions of section seven before a certificate to practice shall be issued to them.

3. Any person shall be regarded as practicing veterinary medicine or surgery within the meaning of this act who shall profess publicly to be a veterinary surgeon and offer for practice as such, or who shall prescribe for sick domestic animals or for domestic animals needing medical or surgical aid, and shall charge and receive therefor money or other compensation, directly or indirectly. But nothing in this act shall apply to residents of this state who confine their practice to the castration and spaying of live stock, nor shall it prevent any person from prescribing for live stock who does not claim to be a veterinarian or veterinary surgeon.

4. There shall be for this a state board of veterinary examiners, consisting of five members, whose term of office shall be four years, or until their successors are appointed and qualified. The term of office of the board first appointed after this act takes effect shall commence on the first day of May, eighteen hundred and ninety-six.

5. The said board shall consist of men learned in veterinary medicine and surgery, and shall be appointed by the governor on or before the first day of May, eighteen hundred and ninety-six, and every fourth year thereafter, from a list of ten names to be recommended by the Virginia state veterinary medical association every

four years. Vacancies occurring in such board for unexpired terms shall be filled by the governor by selection from the five names not appointed from the ten last recommended by the association. Such recommendation shall be by vote of a majority present at some meeting of the said association and shall be certified to the governor by the president and secretary of said association; provided if said association fail to make such recommendations prior to the time of appointment the governor shall appoint such board, either in whole or in part, without regard to such recommendations. If any of said examiners shall cease to reside in this state his office shall be deemed vacant.

6. The members of said board shall qualify by taking the usual oath of office before the county or corporation court of the county or corporation in which they respectively reside, or before the judge of such court in vacation. The officers of said board shall be a president, vice-president and secretary (who shall also act as treasurer), said officers to be members of and selected by the board. Regular meetings of the board shall be held at such times and places as the board may prescribe, and special meetings may be held upon the call of the president and any two members, but there shall not be less than one regular meeting each year. Three members of the board shall constitute a quorum. The board may prescribe rules, regulations and by-laws for its own proceedings and government, and for the examination by its members of candidates for the practice of veterinary medicine and surgery.

7. It shall be the duty of said board, at any of its meetings, to examine all persons making application to them who shall desire to commence the practice of veterinary medicine or surgery in this state, and who shall not, by the provisions of this act, be exempt from such examination; and when an applicant shall have passed an examination satisfactory as to efficiency before the board in session, the president thereof shall grant to such applicant a certificate to that effect. A fee of five dollars shall be paid to said board, through such officers or members as it may designate, by each applicant before such examination is held. In case any applicant shall fail to pass a satisfactory examination he shall not be permitted to stand any further examination within the next six months thereafter or until the next meeting of said board, nor shall he have again to pay the fee prescribed as aforesaid: provided, however, no applicant shall be rejected upon his examination on account of his adherence to any particular school of medicine or system of practice, nor on account of his views as to the method of treatment and cure of disease; and provided, further, that when, in the opinion of the president of the board, any applicant has been prevented by good cause from appearing before the board, the president of the board shall appoint a committee of three members who shall examine such applicant, and may, if they see fit, grant him a certificate, which shall have the same force and effect as though granted him by the full board.

8. The fund realized from the fees aforesaid shall be applied by the board to the payment of its expenses and to making a reasonable compensation to the president and secretary.

9. The secretary of the state board of veterinary examiners shall record in a book, to be kept for such purpose, the names of all practitioners of veterinary medicine or surgery in this state to whom certificates are issued, allowing them to practice as provided for in this act. Said book shall be styled and recognized as the register of the practitioners of veterinary medicine and surgery in Virginia, and it shall be admissible in evidence. Said register shall be accurately kept by the secretary of said board, who shall at any time during business hours allow it to be inspected in his presence by any person interested, either at his office or at any meeting of the state board of veterinary examiners. Said secretary shall insert in said register any alteration in the name or address of any registered person which may come to his knowledge, and he shall also record the decease of any registered person as soon as he receives satisfactory proof thereof.

10. Any person who shall practice veterinary medicine or surgery in this state in violation of the provisions of this act shall be fined not less than fifty nor more than five hundred dollars for each offence, and it shall not be lawful for him to recover by action, suit, motion, or warrant any compensation for services which may be claimed to have been rendered by him as such practitioner of veterinary medicine or surgery.

11. This act shall be in force from and after the first day of May, eighteen hundred and ninety-six.

CHAP. 510.—An ACT to amend and re-enact section 525 of the code of Virginia, in relation to the collection of fees of the commissioner of revenue.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That section five hundred and twenty-five of the code of Virginia, in relation to the collection of fees of the commissioner of the revenue, be amended and re-enacted so as to read as follows:

§ 525. How made out and collected.—The commissioners may make out tickets for their fees and place them in the hands of a sheriff or other officer, to be collected and accounted for in the same manner as clerk fees are collected and accounted for. The said commissioners shall be subject to the same penalties as clerks of courts for issuing tickets wrongfully; *provided, however, that in the county of Henrico and city of Richmond the transfer fee allowed by law to the commissioners of the revenue for said county or city shall be collected by the clerk of the court of record of the said county or city at the time of recording the deed, and provided, further, that in no case shall but one fee be charged, and in order to avoid any misconception of this act the fee shall be collected from the first vendee, and no additional fees for the transfer of any property on which said fee has been paid shall be collected during the fiscal year terminating on the thirty-first day of December of each year.*

The clerk at the time of placing the list of transfers in the hands of the commissioner shall account to him for the fees so collected, deducting therefrom a commission of ten per centum for his services.

2. This act shall be in force from its passage.

CHAP. 511.—An ACT to amend re-enact certain sections of the charter of the town of Culpeper.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That sections four, ten, eleven, twenty-five, twenty-six, twenty-eight, thirty, thirty-three, thirty-four, thirty-five, and thirty-six of the charter of the town of Culpeper be amended and re-enacted so as to read as follows:

§ 4. The municipal authorities of said town shall consist of a mayor, recorder, treasurer, and six councilmen, who shall be elected annually by the qualified voters of said town; and all persons qualified to vote in said elections shall be eligible to any of said offices. The recorder shall be assessor of said town.

§ 10. The mayor, recorder, treasurer and councilmen shall each, before entering upon the duties of their offices, and within two weeks from the day of their election, make oath or affirmation that they will truly, faithfully and impartially discharge the duties of their said offices to the best of their abilities so long as they shall continue therein. The mayor, recorder and treasurer shall take said oath before a notary public, and the councilmen before the mayor or recorder.

§ 11. If any one who shall have been duly elected mayor, recorder, treasurer, sergeant or councilman shall not be eligible as herein prescribed, or shall refuse or neglect to take the oath or affirmation or to give the bond required by this act for four weeks from the day of his election, the council for the time being shall declare his said office vacant, and shall order a new election for mayor, recorder, treasurer, sergeant or councilman, as the case may be, of which said election ten days' notice shall be given.

§ 25. There shall be a lien on the real estate within said town for the town taxes assessed thereon, from the commencement of the year for which they are assessed. When any of said taxes are returned delinquent a list of the same shall be returned to the clerk of the county court of Culpeper county and be by him entered in a book furnished by the said town and kept in his said office, the form and manner of entering the same to be similar to that provided by law for the record of delinquent taxes on real estate due the state. In said book there shall also be columns in which shall be entered the names of purchasers, the amount and date of sales of real estate sold for delinquent taxes as provided in this charter. When the taxes so returned delinquent are entered in said record as herein provided

the same shall be held to be constructive notice of the lien thereof, and the said real estate shall be liable thereto as against creditors and in the hands of purchasers or other persons into whose hands the said real estate may pass. And the said real estate may be sold for said taxes as provided in this charter, whether owned by the persons in whose names it was assessed or not. After said real estate has been so sold for taxes the same may be redeemed within such time and by such persons and upon such terms as is provided by law for the redemption of lands sold for state taxes except that the moneys paid for such redemption shall be paid to the treasurer of the town of Culpeper. Upon the redemption of said real estate the treasurer shall issue to the persons so redeeming it a certificate to that effect, which shall be presented to the clerk of the county court, who shall thereupon mark in the said record the redemption of said real estate, the name of the party redeeming it, and the date thereof. The clerk shall receive for his services a fee of ten cents for each lot of land so entered in said record, a fee of ten cents for the entry of such sale of real estate as is provided in this charter, and a fee of twenty-five cents for each redemption so entered, to be paid by the town of Culpeper, and which shall be charged against and be a lien upon said land along with the taxes against the same. At the expiration of the time within which said real estate may be redeemed, if the same has not been redeemed as herein provided, the recorder of the town of Culpeper shall execute to the purchaser thereof a deed conveying the same in like manner as is now prescribed by law for the conveyance of real estate by the clerk of the county court which has been sold for delinquent taxes due the state, and such deed shall convey such title as would be conveyed had the same been sold for delinquent state taxes.

§ 26. The county court of Culpeper on the application of the council may order real estate delinquent for the non-payment of taxes to be sold by the treasurer at public auction for such taxes at such time as it shall direct; said sale and the advertisement thereof to be made in conformity, as near as may be, to the state law with reference to the sale of delinquent lands. When such sale has been made the same, with the date thereof, the name of the purchaser, and the amount for which the said real estate sold shall be entered by the clerk in the record of delinquent real estate provided for in section twenty-five.

§ 28. The recorder, treasurer, sergeant, and such special collector as is provided for in the twenty-fourth section shall, before entering upon the duties of their offices, execute before the council of said town bonds with satisfactory security, as follows: The bond of the recorder shall be in the penalty of five hundred dollars; the bond of the treasurer, sergeant, and special collector shall each be in a penalty of not less than five thousand dollars; provided that if the sergeant is not required to collect the taxes and levies of the said corporation then the penalty of his bond may, in the discretion of the council, be less than five thousand dollars, and that the bond of the special collector may, in the discretion of the council, be fixed at double the amount of taxes and levies collected by him. The bond

of the recorder shall be conditioned for the faithful performance of the duties of his office, and the bonds of the treasurer, sergeant, and special collector shall be conditioned for the faithful performance of their respective duties as such, and for the proper collection and accounting for all moneys which shall come into their hands, respectively, or which it shall be their respective duty to collect at such time as the council may order, and to pay over all moneys under proper order of the council to those entitled to the same.

§ 30. The duty of the recorder shall be to keep a journal of the proceedings of the council and have charge of and preserve the records of the town. In absence from town or sickness of the mayor or during any vacancy in the office of mayor he shall perform the duties of the mayor and be invested with all his powers. He shall be a conservator of the peace within the said town. He shall receive a compensation for his services not to exceed three hundred dollars per annum, to be fixed annually for the ensuing year by the council preceding the election of the officers of the town, which shall not be increased or diminished for the term for which he shall have been elected. He shall issue warrants upon the treasurer for all moneys ordered to be paid by the council, which warrants shall be drawn upon the treasurer payable to the person or persons entitled to receive the same, and signed by the mayor of the town and countersigned by the recorder. He shall provide a book of blank warrants, to each of which shall be attached a stub, upon which stub shall be entered the number of the warrant taken therefrom, the name of the person to whom payable, the amount and date thereof, and for what issued, all of which shall correspond with the warrant so issued. This book, with all others kept by the recorder, shall be open at any time to the inspection of the council or any member thereof.

§ 33. All moneys belonging to said town shall be paid over to the treasurer, and no money shall be paid out except as the same shall have been appropriated and ordered to be paid by the council; and the said treasurer shall pay the same only upon warrants drawn upon him as provided in section thirty of this charter. He shall keep regular accounts with the town, crediting it by all moneys received and charging it with all moneys so disbursed; which books, as well as all others relating to the business of the town, shall be open at any time to the inspection of the council or any member thereof. He shall also keep a book in which shall be registered all warrants presented, payment of which is refused for want of funds to meet the same, and the warrants so registered shall be paid in the order in which they are registered when funds applicable thereto shall come into his hands, except that the person to whom any warrant is made payable may use the same in the payment of his taxes. Should the person to whom any warrant is made payable be indebted to the town for taxes or otherwise, then the said indebtedness shall be deducted therefrom, whether in the hands of the person to whom payable or any other. He shall annually, on the first day of June, or as soon thereafter as practicable, settle his accounts with the council or a committee thereof, at which time he shall fur-

nish a statement of all moneys received by him during the preceding year, and of all disbursements made, together with the warrants upon which said payments were made; which warrants shall be inspected, and if approved, cancelled by said council or committee, as the case may be. He shall receive a compensation for his services not to exceed three hundred dollars per annum, to be fixed annually for the ensuing year by the council preceding the election of the officers of the town, which shall not be increased or diminished for the term for which he shall have been elected.

§ 34. If the said treasurer shall fail to account for and pay over all or any moneys that shall come into his hands when thereto required by the council, it shall be lawful for the council, in the corporate name of the town, by motion before any court of record held in Culpeper county, to recover from the said treasurer and his sureties or their personal representatives any sums that may be due from said treasurer to said town on ten days' notice. But this section shall not be construed to prevent the bringing of any action by the town which it might have brought had this section not been passed.

§ 35. Before entering upon the duties of their respective offices, the mayor, sergeant, recorder, treasurer, and councilmen shall make oath or affirmation that they will truly, faithfully, and impartially discharge the duties of said offices so long as they remain therein.

§ 36. If the sergeant or special collector shall fail to collect, account for, and pay over all the taxes, fines, and other revenues of the town in his hands for collection according to the condition of his bond, it shall be lawful for the council to recover the same by motion in the corporate name of the town before any court of record in the said county of Culpeper against the said sergeant or special collector and sureties of either in his said bond, or any or either of them, his or their executors or administrators, on giving ten days' notice of the same. But this section shall not be construed to prevent the bringing of any action by the town which it might have brought had this section not been passed.

2. This act shall be in force from its passage.

CHAP. 512.—An ACT for the relief of Dr. B. F. Rowles.

Approved February 27, 1896.

Whereas by an act approved January twenty-eighth, eighteen hundred and ninety, certain qualifications were imposed upon persons wishing to practice dentistry in the state of Virginia; and

Whereas the said act further provides that persons who shall be engaged in the practice of dentistry in the commonwealth of Virginia on the twenty-eighth day of January, eighteen hundred and ninety, and who shall comply with the requirements of section seven-hundred and seventy-four of the code of Virginia, shall be otherwise exempt from the provisions of said code; and

Whereas Doctor B. F. Rowles, of Greene county, was a practical dentist and a resident of said county and state on the twenty-eighth day of January, eighteen hundred and ninety, but not in active practice at that time; therefore,

1. Be it enacted by the general assembly of Virginia, That the said Doctor B. F. Rowles be, and is hereby, granted the same rights and privileges as those in actual practice on the twenty-eighth day of January, eighteen hundred and ninety, subject to the requirements of section seventeen hundred and seventy-four of the code of Virginia as aforesaid.

2. This act shall be in force from its passage.

CHAP. 513.—An ACT to provide for working and keeping in repair the public roads of Lee county.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That in and for the county of Lee the board of supervisors, together with the judge of the county court, are hereby made and constituted a road board, of which the said judge shall be the president, and as such shall have opened and kept in repair the public roads of said county, and have built, repaired and kept in order the bridges in said county by adopting such rules and regulations as they may deem proper, expedient and necessary.

2. The said road board may be, and are hereby, authorized and empowered to adopt any laws or parts of laws in force in any county of this state for locating, making and repairing roads in such county for the purpose of locating, making and repairing public roads and bridges in Lee county. Such acts or parts of acts thus adopted shall be entered upon the minutes of the board, and may at any time be amended by said road board.

3. The said board at their annual meeting shall be empowered and authorized to levy a road tax, not to exceed thirty cents on the one hundred dollars' worth of property for any one year, to be collected by the county treasurer; but the tax so levied and collected in each district shall be applied solely to that respective district by said road board, except the tax collected from the railroads, which shall be equally divided between the several magisterial districts in said county by said road board.

4. Said board shall receive the sum of one dollar and fifty cents per day for their services and mileage, as now provided for: provided that no member shall be paid for more than eight days in any one year in carrying out the provisions of this act.

5. The clerk of the county court of said county shall perform the duties of clerk for said board.

6. That all acts and parts of acts in relation to working the roads

in Lee county in conflict with this act shall, after the first day of July, eighteen hundred and ninety-six, be repealed.

7. This act shall be in force from and after the first day of July, eighteen hundred and ninety-six.

CHAP. 514.—An ACT to amend and re-enact section 2065, code of Virginia, in regard to estrays.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty hundred and sixty-five, code of Virginia, be amended and re-enacted so as to read as follows:

§ 2065. Right of recovery by former owner.—The former owner may at any time after recover the valuation money, except the amount of the clerk's and printer's fees, and such compensation for keeping the property as shall be certified under oath by any two freeholders in the county or corporation where the property was valued to be reasonable, and also fees of the justices and the freeholders for services rendered by them.

2. This act shall be in force from its passage.

CHAP. 515.—An ACT to permit Dr. Z. B. Moorman to practice dentistry in Virginia.

Approved February 27, 1896.

Whereas Doctor Z. B. Moorman holds a certificate of qualification as a dentist from the state board of examiners of the state of Texas, and has practiced dentistry in said state for the past twenty years, and now wishes to continue the practice of dentistry in Virginia; now, therefore,

1. Be it enacted by the general assembly of Virginia, That Doctor Z. B. Moorman be, and he is hereby, authorized to practice dentistry in Virginia, subject to the requirements, so far as applicable, of section seventeen hundred and seventy-four of the code as amended by an act approved January twenty-eighth, eighteen hundred and ninety.

2. This act shall be in force from its passage.

CHAP. 516.—An ACT for the protection of fish in Smyth and Washington counties.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person knowingly or intentionally to kill or injure any fish by the use of dynamite or any other explosive, or by placing fishberries or other poisonous substances into the waters of Washington and Smyth counties.

2. It shall be unlawful for any person to take or catch fish by means of traps, nets, seines, harpoons, grab-hooks, or any other means except by hook and line in any of said waters, except that it shall be lawful to catch minnows for bait by means of a hand-net; and for four years after the United States fish commission shall have placed in the south fork of Holston river or its tributaries California trout or other fish for the stocking of said streams it shall be unlawful to take from said streams, or destroy in any way, such fish or their increase within the limits of Smyth county.

3. Any person who shall violate any of the provisions of section one of this act shall, on conviction thereof, be fined not less than ten dollars nor more than twenty-five dollars; and any one violating the provisions of section two of this act shall be fined not less than five dollars nor more than ten dollars.

4. The provisions and penalties of this act shall not apply to manufacturing plants located upon or near said streams where the injury to fish results from the wash from said plants; provided that all reasonable precautions, so far as practicable, shall be used to prevent said injury.

5. All acts and parts of acts inconsistent with this act, or any section or provision thereof, are hereby repealed.

6. This act shall be in force from its passage.

CHAP. 517.—An ACT to incorporate the Wakefield cemetery.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That Reverend William E. Allen, Phillip D. Bain, George W. Holland, James W. Cannon, James E. Richardson, Doctor Walter L. Devany, John L. White, and Joseph H. Pursell, their successors and associates, and all such persons as hereafter may become stockholders in the cemetery hereby incorporated, shall be, and are hereby, created a body politic and corporate under the name and style of the Wakefield cemetery, with power by the name to have perpetuate succession, to sue and be sued, to have a common seal, and to alter the same at their discretion.

2. The said company shall have the right to acquire and hold, in or near the village of Wakefield, in the county of Sussex, not exceeding in quantity ten acres of land, for the purpose of said cemetery, and shall have the power to lay out and ornament the same; to erect such buildings thereon as it may deem necessary and proper; to arrange burial lots and sell the same, and to make and enforce, by reasonable fines and penalties, such by-laws, rules and regulations for its own organization, for the management of its business, for the election of all necessary officers and the appointment of agents, for the issue of certificates of stock and the transfer of the same; provided such by-laws and regulations shall not be inconsistent with the laws of this state; and provided, also, that in all the meetings of the stockholders the votes shall be in proportion to the amount of stock held by each respectively.

3. That the capital stock of said company shall be of such amount as the said company shall determine, and may be increased from time to time at their discretion, but the amount of capital stock shall not be fixed at an amount less than five hundred dollars nor greater than the value of the property and franchises owned by said company, including the sums expended and to be actually expended in developing and improving said cemetery.

4. That hereafter no streets, lanes, alleys or roads shall be made or established over said land, or any part thereof, except for the use of said company, nor shall the same be condemned or taken for any public use except by the unanimous consent of said company or their successors.

5. That no interest of a lot holder in the property of said company shall be subject in any way to the payment of debts, pass by insolvency, or into the hands of executors or administrators, or be liable for taxes of any description, but the right and interest shall remain in the families of each according to the course of descent.

6. The persons named in the first section of this act shall constitute the first board of directors, who shall hold their offices until their successors are elected and qualified, which election shall be governed by the by-laws of the said company.

7. The by-laws of the said company shall be considered in effect as soon as ratified by two-thirds of the directors.

8. This act shall take effect and be in force from and after its passage, and shall be subject to the provisions of all general laws now in force, or which shall be hereafter passed, governing other chartered companies so far as they are applicable to the company hereby incorporated.

9. This act shall be in force from its passage.

CHAP. 518.—An ACT to allow A. S. Matthews to erect a wharf on Pocomoke sound in Accomac county.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That Alfred S. Matthews, of Accomac county, be hereby authorized and permitted to erect a wharf on the north end of Sykes island, with a water front of one hundred feet and extend fifty feet from the shore into the waters of Pocomoke sound, subject to all the laws of the state governing all wharves erected on the waters of this commonwealth: and provided, also, that this act shall at all times be under the control of the general assembly and be amended or repealed as may be deemed proper.

2. This act shall be in force from its passage.

CHAP. 519.—An ACT to amend and re-enact sections 16 and 21 of an act approved February 12, 1892, entitled "An act to amend and re-enact an act passed March 21, 1836, entitled an act to incorporate the town of Salem, in Botetourt county (now in Roanoke county), and all acts amendatory thereto."

Approved February 18, 1896.

1. Be it enacted by the general assembly of Virginia, That sections sixteen and twenty-one of the act approved February twelfth, eighteen hundred and ninety-two, entitled an act to amend and re-enact an act passed March twenty-first, eighteen hundred and thirty-six, entitled an act to incorporate the town of Salem, in the county of Botetourt (now in the county of Roanoke), and all acts amendatory thereto, be amended and re-enacted so as to read as follows:

§ 16. Be it further enacted, That the said town and the taxable persons and property therein shall be exempt and free from any poor rates and road taxes and from contributing to any county expenses except as hereinafter provided, and the said town shall, at its own expense, provide for its own poor and keep its own streets in order; provided, however, the said town of Salem shall continue to make its annual payments of that proportion of nine thousand dollars which the value of the real estate taken by reason of the extension of the corporate limits of said town bears to the value of the whole of the real estate so taken in and that of Roanoke county under the assessment of eighteen hundred and ninety-five; provided, further, that the said town shall make no charge for any water furnished by said town to said county for courthouse, jail, public hydrant, public water-closets on courthouse lot, or any office occupied by the county officers, nor for any lights furnished by said town to the courthouse and clerk's office, provided said water and lights do not exceed in amount that in use by said county on Janu-

any first, eighteen hundred and ninety-six, nor for sewerage, connecting said courthouse, jail, or public water-closets on courthouse lot with the sewer system of said town, and shall pay annually to the treasurer of said county the sum of three hundred dollars, payable on or before the first day of December, eighteen hundred and ninety-six, and on or before the first day of December each year thereafter. Should there be any extension, repairs, or rebuilding of the courthouse, clerk's office, or jail of said county contemplated, the same shall be ordered after agreement between the board of supervisors of said county and the council of said town, and in the event of their failure to agree what extension, repairs, and so forth, should be made and how much of the costs thereof should be borne by the said town, the same shall be referred to and determined by the judge of the circuit court of said county, either in term or vacation, whose decision shall be binding on all parties in interest with right of appeal to either party, as in other cases.

§ 21. The council may by proper ordinances erect in or near said town suitable houses of correction or reformation, and shall have the right to use the jail of said Roanoke county as a station house for the confinement of all persons charged with a violation of the ordinances of said town until such time as said persons may be tried for said violation, and for the confinement of all persons sentenced to imprisonment by the mayor or any alderman of said town, the said town to pay all charges incurred or incident to said imprisonment.

2. This act shall be in force from its passage.

CHAP. 520.—An ACT to provide a new charter for the Iron Belt building and loan association of Roanoke, Virginia.

Approved February 20, 1896.

Whereas the Iron Belt building and loan association was duly incorporated by order of the corporation court of Roanoke city, Virginia, entered and recorded as provided by law on the twenty-seventh of May, eighteen hundred and ninety; and

Whereas said charter was altered and amended by further order of said court on the thirteenth day of July, eighteen hundred and ninety-one; and

Whereas it is the desire that said charter be amended and enlarged; therefore,

1. Be it enacted by the general assembly of Virginia, That the Iron Belt building and loan association be, and is hereby, incorporated and made a body corporate and politic under the general laws of this state, and by the name of the Iron Belt building and loan association, and that all of its acts heretofore done within the scope of this charter are hereby confirmed and validated. The said company shall have perpetual succession, have the power to sue and be sued, plea and be pleaded, defend and be defended in all courts,

whether in law or equity, and make and have a common seal and alter the same at its pleasure; and shall have and enjoy all the rights, powers and privileges appertaining to corporate bodies and necessary for the purposes of this act.

2. The capital stock of said company shall consist of not less than ten thousand nor more than two hundred thousand shares of stock of the par value, when fully paid up and matured, of one hundred dollars each; but when any shares shall have been matured, forfeited, or withdrawn a like number of additional shares may be issued in lieu thereof. The said stock may be issued in one or more denominations, to be paid by monthly installments, after the manner of building and loan associations, in such amounts, manner and at such times, and enforceable by such fines and penalties as may be prescribed by the by-laws. The company may, however, issue and sell paid-up stock upon such terms, rules and regulations as may be prescribed by the by-laws, and either with or without accumulating interest thereon. For the purpose of defraying the operating expenses of the company and extending its membership the members thereof shall pay such fines and assessments, monthly or semi-annually, as may from time to time be provided for by the by-laws. To further encourage its members in the acquisition of property the company may, upon special terms and conditions and subject to the rules and regulations established by the by-laws, issue to its members obtaining an advance additional shares of stock not subject to contribution to the expense fund, and not to exceed one-half in number of the total number of shares necessary to the advance in any case.

3. The principal office of said company shall be in the city of Roanoke, Virginia. The officers of the said company, until the next annual meeting of the stockholders thereof, shall be as at present, to-wit: P. L. Terry, president; S. W. Jamison, first vice-president; John T. Gibson, second vice-president; E. B. Jacobs, secretary; J. C. Davenport, treasurer; C. A. McHugh, general counsel (who, together with James R. Terry and H. S. Trout, shall be the directors, a majority of whom shall constitute a quorum), and such other officers and agents as the directors of said company may appoint. The said officers, with the present members and stockholders of said company, and such other persons as shall or may hereafter become associated with them, shall constitute and compose this corporation.

4. The said board of directors shall prescribe the compensation of its officers and employees. The said company may acquire, hold, convey, and encumber all such real and personal property as may be taken as security for loans or advances made by it, or that may otherwise be conveyed to it in the due course of its business; and may secure the payment of loans or advances and the performance of other conditions upon which the loans or advances are made, or the purchase money of property sold by it, by a mortgage or deed of trust upon real property, or by the pledge of its stock or of other personal property. Said company may also acquire, hold, and convey stocks of other companies.

5. The company shall have power to provide by its by-laws for lending or advancing to its members the money in its treasury upon approved real estate security or the pledge of its stock, or both, and fix the rate of interest to be charged therefor, not exceeding six per centum per annum on the amount actually advanced until the final maturity of the shares advanced against, and shall further have power to establish rules governing the priority of right to such loans or advances among the applicants therefor, and the mode of making an award and the rate of premium (in addition to the interest herein-before provided for) to be charged therefor, and whether such premium shall be fixed and uniform or subject to competition for priority among the members, and whether such premium shall be deducted in advance or paid in periodical installments. But the present by-laws of the said company, when not inconsistent with the provisions of this charter, shall continue of force until amended or repealed in the manner therein prescribed; and all contracts heretofore made and entered into by and between the said company and its members under said by-laws and former charter, and not incompatible with this charter, are hereby validated and confirmed.

6. Said company shall have power and authority to issue, sell or negotiate, from time to time, its bonds, notes or other evidences of debt in such form, and for such amounts, and payable at such times and places, and bearing interest not to exceed the rate of six per centum, and secured by such pledge or hypothecation of the funds of the company or the company's property, real or personal, as the stockholders may in general meeting authorize or determine. In the instrument providing for such conveyance or pledge provision may be made for the substitution in whole or in part, and from time to time, of other property and choses in action in lieu of that originally pledged or conveyed as security for said bonds, notes or other evidences of indebtedness, and the lien on such substituted property shall thereafter be of like force and effect as if such substituted property had been included in the original pledge, conveyance or mortgage. Said bonds, notes or other evidences of debt may be issued in one or more series, and whenever the property of the company shall have been pledged or conveyed to secure the payment thereof, the amount due or to become due thereunder shall be a charge upon the property so pledged or conveyed, and any property thereafter substituted for any such prior to other debts due by the said company not previously and expressly charged thereon: provided that the total amount of bonds, notes and other evidences of indebtedness issued under this section and not repaid by the company shall not at any one time exceed one-third of the amount for the time being advanced by the association and secured by deeds of trust or mortgages from its members.

8. The liability of any member or stockholder of this company in respect to any share upon which no advance has been made shall be limited to the amount actually paid or in arrear on such share; and in respect to any share upon which an advance has been made shall be limited to the amount payable thereon under any mortgage or other security or under the rules of the corporation.

9. The general assembly hereby reserves the right to alter, amend or repeal this charter at any time.

10. This act shall be in force from its passage.

CHAP. 521.—An ACT to repeal subdivision ninth of section 19 of chapter 3 of an act of the general assembly of Virginia, approved March 3, 1894, entitled an act to provide a new charter of the town of Clintwood in Dickenson county.

Approved February 28, 1896.

1. Be it enacted by the general assembly of Virginia, That subdivision ninth of section nineteen of chapter three of an act of the general assembly, approved March third, eighteen hundred and ninety-four, entitled an act to provide a new charter for the town of Clintwood, be, and the same is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 522.—An ACT to fix the penalty of the bond of the treasurer of Rockbridge county, require every sixty days' statement of collections and payment into the treasury of the state's revenue, and to empower the county board of supervisors to demand new or additional bond.

Approved February 28, 1896.

1. Be it enacted by the general assembly of Virginia, That on the first day of June, eighteen hundred and ninety-six, the treasurer of Rockbridge county shall be required to give a new bond, which shall be executed in manner and form now prescribed by law, and the penalty of said bond shall be forty thousand dollars, and the same may be given in vacation. When the bond under this act is given it shall supersede and take the place of the existing bond. The treasurer of Rockbridge county, on the first Monday in December in each year, and every sixty days thereafter, shall make to the auditor of public accounts, under oath, a statement of all moneys collected for the state or county, and shall pay into the treasury so much of said fund as shall be due to the commonwealth; and at the time and periods aforesaid he shall make to the judge of the county court a like statement of all moneys collected for the county and file this statement with the clerk of the board of county supervisors. For failure to make these statements, or either of them, or to pay into the treasury the state's revenues, the treasurer shall be fined not less than fifty nor more than one hundred dollars for each offence and forfeit to the county and commonwealth his commissions upon collections, and, after reasonable notice, be removed from office. The board of supervisors, when, in their discretion, deemed necessary, may require new or additional bond from the treasurer.

2. This act shall be in force from its passage.

CHAP. 523.—An ACT to amend and re-enact section 3810 of the code of Virginia, entitled appointment of police for religious meetings.

Approved February 28, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-eight hundred and ten of the code of Virginia be amended and re-enacted so as to read as follows:

§ 3810. Appointment of police for religious meetings.—The supervisor or any justice of the magisterial district where a religious meeting is held may appoint a temporary police to aid in enforcing any of the provisions of section thirty-eight hundred and five, and the sections following to thirty-eight hundred and eight, inclusive. *The supervisor or any justice of the magisterial district where a religious meeting is held shall, upon the written application of the conductor of such meeting, appoint as many temporary police as may be necessary to enforce order at such meeting—the authorities of such meeting paying all expenses incurred by reason of the appointment of such officers.*

2. This act shall be in force from its passage.

CHAP. 524.—An ACT to incorporate the Potomac river railroad company.

Approved February 28, 1896.

1. Be it enacted by the general assembly of Virginia, That R. W. Moore, B. F. Mackall, J. E. Willard, and D. S. Mackall, of Virginia, and Herman Hoopes, Spencer Cosby, and Powell Evans, of Philadelphia, or such of them as may accept the provisions of this act, their associates and successors, are hereby constituted a body politic and corporate under the name of the Potomac river railroad company, with power to locate, construct, equip, maintain, and operate any tramway or railroad lines from a point at or near the Potomac river in Alexandria county, opposite the District of Columbia, through the counties of Alexandria and Fairfax to the town of Falls Church, and through the counties of Alexandria, Fairfax, Prince William, and Loudoun to the great falls of the Potomac, and to such other points upon the Potomac river in said counties, or either of them, as said corporation through its board of directors shall designate, and also branch lines within the counties named not exceeding twenty miles in length, which shall be determined upon by a vote of two-thirds of the stockholders of said company; provided that failure to construct any one of said lines shall not affect this charter as applicable to the other lines or branches constructed, but the same shall continue and be in force; and said company may construct and maintain such docks, freight, storage, and transfer houses as the board of directors deem necessary.

2. That said company shall have the power to acquire by pur-

chase, gift, or condemnation, according to the provisions of the laws of Virginia, such lands as the board of directors of said company shall deem necessary for right of way, sidings, depots, shops, docks, freight and warehouses, and other purposes required by said corporation in the transaction of business and the storage and transfer of freight and property.

3. The capital stock of said company shall not be less than twenty-five thousand dollars nor more than five hundred thousand dollars. The par value of each share issued shall be one hundred dollars, and subscriptions to the stock shall be made and received under and according to such regulations as the board of directors of said corporation may make; and said capital stock may be increased by a vote of two-thirds of the capital stock at any time, a certificate of such increase to be filed with the secretary of state, such increase to be subject to taxation the same as though added in this charter as the maximum capital stock. Payments of subscriptions may be made in labor, materials, real and personal property, at valuations to be fixed by the board of directors, and in cash. Any county, municipality, or town through or in which the road of said company, or any branch thereof, may locate, may subscribe to the capital stock or bonds of said company in the mode prescribed by law.

4. The said company shall have the right to cross at grade, or by, over, or under crossings, intersect, join, or connect its railroad with any other railroad now constructed or which may be hereafter constructed within said territory, and may consolidate its lines, property, and franchises with any other railroad or bridge corporation with whose railroad or bridge a connection is made, and may subscribe and hold the stock of any other corporation; said company may purchase or lease the property, franchises, railroad, trackage, and appurtenances of any other railroad corporation now existing or which may hereafter exist; and may lease to any other corporation trackage or rights of way over its lines or any branch thereof, and the use of transfer warehouses, docks, or other privileges, for such term or terms as may be agreed upon, and may acquire by purchase and may use all the rights, franchises, and property of the Potomac and great falls railroad company granted and acquired under its charter heretofore granted and the amendments thereof.

5. Said company shall have the right to borrow money, issue bonds, and secure the payment of the same by a deed or deeds of trust or mortgage on any or all of its property and franchises.

6. The persons named in the first section hereof shall constitute the board of directors of said company until their successors are elected as herein provided; and they shall, within sixty days after the passage of this act, organize by electing from their number a president, secretary, and treasurer, and may elect such other officers and appoint such agents as they may deem necessary; and may adopt such regulations and by-laws as may be needful for receiving subscriptions to the stock of said company and transacting its business. Upon the full subscription of the minimum capital stock herein provided and payment to the treasurer of said company of two per centum thereof, the said company shall be deemed fully or-

ganized for the transaction of business. The directors herein named shall, upon the completion of the organization as aforesaid, call a meeting of the stockholders for the purpose of electing a board of nine directors, who shall thereafter have the control and management of the affairs of said company; and it shall be lawful for the stockholders to divide said board into three classes of three directors each, and at the first election elect one class for one year, and one class for two years, and one class for three years, and thereafter elections may be had annually of three directors for three years. All directors shall be stockholders, and the president and treasurer of said company shall be directors; all other officers may be selected without regard to such qualification. The board of directors shall have the right to make all by-laws and regulations for the management and control of the affairs of said company, and may fill all vacancies occurring in the board during the year for the unexpired term; provided that a failure to elect directors at any annual meeting shall not impair the organization, but each director shall hold over and act until his successor is duly elected by the stockholders as herein provided, and special meetings of the stockholders may be called at any time in accordance with the by-laws by the board of directors, if they so elect, for the purpose of electing directors to fill vacancies.

7. The directors named in section one of this charter shall exercise all the powers of the company and do whatever might be authorized by the stockholders until the election of a board of directors by the stockholders as herein provided.

8. The said company shall commence construction within two years from the passage of this act, and complete the same within five years from the passage of this act.

9. The said company shall pay its taxes in lawful money of the United States, and not in coupons.

10. The general assembly of Virginia reserves the right to alter or repeal this act at any time hereafter.

11. The principal office of this company shall be located in the county of Alexandria, state of Virginia.

12. This act shall be in effect from its passage.

CHAP. 525.—An ACT to authorize the president and faculty of Luray college, Luray, Virginia, to confer certificates of distinction and to award diplomas.

Approved February 28, 1896.

1. Be it enacted by the general assembly of Virginia, That the president and faculty of Luray college, an institution for the higher education and training of girls and young ladies, located at Luray, Page county, Virginia, be, and they are hereby, authorized and empowered to grant to pupils entitled thereto certificates of distinction or proficiency in the various departments or schools of said institu-

tion, to confer degrees, to award diplomas to pupils for graduation in any of said schools or departments, and also to full graduates of the institution.

2. This act shall be in force from its passage.

CHAP. 526.—An ACT to amend and re-enact section 2500 of the code of Virginia, and to amend and re-enact section 2501 of the code as amended and re-enacted by an act approved February 10, 1890, entitled "An act to amend and re-enact section 2501 of the code, in relation to certificates of acknowledgment."

Approved February 28, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-five hundred of the code of Virginia and section twenty-five hundred and one of the code of Virginia, as amended by an act of the general assembly of Virginia, approved February tenth, eighteen hundred and ninety, entitled an act to amend and re-enact section twenty-five hundred and one of the code of Virginia, in relation to certificates of acknowledgment, be amended and re-enacted so as to read as follows:

§ 2500. When and where writings admitted to record.—Except where it is otherwise provided, the court of any county or corporation (other than the city of Richmond) in which any writing is to be or may be recorded, and the chancery court of the city of Richmond, when any such writing is to be or may be recorded in the said city, or the clerk of any such court, in his office, shall admit to record any such writing as to any person whose name is signed thereto, when it shall have been acknowledged by him or proved by two witnesses as to him in such court, or before such clerk in his office, *and when such writing is signed by a person acting on behalf of another, or in any representative capacity, such acknowledgment before such court or clerk may be in accordance with the provisions of section twenty-five hundred and one.*

§ 2501. Certificates of acknowledgment upon which writings are admitted to record; who may take them.—Such court or clerk shall also admit any such writing to record as to any person whose name is signed thereto upon a certificate of his acknowledgment before the said clerk, *or before the clerk of any court of record in this state, or before the clerk of any court without this state but within the United States, or before a justice, a commissioner in chancery of a court of record, or a notary, within the United States, written on or annexed to the same, to the following effect, to wit:*

County (or corporation) of _____, to wit: I, _____ clerk (or deputy clerk) of _____ court (or a justice of the peace, or commissioner in chancery of the _____ court, or notary public), for the county (or corporation) aforesaid, in the state (or territory or district) of _____, do certify that E. F. (or E. F. and G. H., and so forth), whose name (or names) is (or are) signed to the writing above (or hereto

annexed) bearing date on the day of , has (or have) acknowledged the same before me, in my county (or corporation) aforesaid. Given under my hand this day of .

Or upon the certificate of acknowledgment of such person before any commissioner appointed by the governor, within the United States, so written or annexed, to the following effect, to wit:

State (or territory or district) of , to wit: I , a commissioner appointed by the governor of the state of Virginia, for the said state (or territory or district) of , certify that E. F. (or E. F. and G. H., and so forth), whose name (or names) is (or are) signed to the writing above (or hereto annexed), bearing date on the day of , has (or have) acknowledged the same before me in my state (or territory or district) aforesaid. Given under my hand, this day of .

Or upon the certificate of the clerk of any court of record in this state, or the clerk of any court out of this state and within the United States, that the said writing was proved as to him by two witnesses before such clerk or before the court of which he is clerk, or upon the certificate, under the official seal, of any *ambassador*, minister plenipotentiary, *minister resident*, charge d'affaires, consul-general, consul, vice-consul, or commercial agent appointed by the government of the United States to any foreign country, or of the proper officer of any court of such country, or of the mayor or other chief magistrate of any city, town, or corporation therein, that the said writing was acknowledged by such person or proved as to him by two witnesses before any person having such appointment, or before such court, mayor, or chief magistrate; and where any such writing purports to have been signed in behalf or by authority of any person or corporation, or in any representative capacity whatsoever, the certificate of the acknowledgment by the person so signing the said writing shall be sufficient for the purposes of this and the preceding section, and for the admission of said writing to record as to the person or corporation on whose behalf it is signed, or as to the representative character of the person so signing the same, as the case may be, without expressing that such acknowledgment was in behalf or by authority of such other person or corporation, or was in a representative capacity. In the case of a writing signed in behalf or by authority of any person or corporation, or in any representative capacity, a certificate to the following effect shall be sufficient:

State (or territory or district) of , county (or corporation) of , to-wit: I, , a (here insert the official title of the person certifying the acknowledgment) in and for the state (or territory or district) and county (or corporation) aforesaid, do certify that (here insert the name or names of the persons signing the writing on behalf of the person or corporation, or the name of the person signing the writing in a representative capacity) has (or have) acknowledged the same before me in my county (or corporation) aforesaid. Given under my hand, this day of .

And where authority is given in this or the preceding section to the clerk of a court in or out of this state but within the United States, such authority may be exercised by his duly qualified deputy.

2. This act shall be in force from its passage.

CHAP. 527.—An ACT to incorporate the Eastern midland railway company.

Approved February 28, 1896.

1. Be it enacted by the general assembly of Virginia, That L. T. Michener, John L. Roper, Theodore S. Garnett and James W. Willcox, their associates, successors and assigns, be, and they are hereby, constituted and declared a body politic and corporate under the name and style of the Eastern midland railway company.

2. The capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each, and the said capital stock may from time to time be increased by the board of directors, with the approval of a majority of the stockholders, to any amount not exceeding fifteen million dollars.

3. The said Eastern midland railway company, by the granting of this charter, is authorized, empowered and permitted to locate, construct, equip, maintain and operate a railway of standard gauge, with one or more tracks, and with the necessary engines, cars, warehouses, docks, steamboats, barges, and such other equipments and facilities as it may require, having for its beginning any point it may select on the Chesapeake bay, or on the Potomac, York, James or Elizabeth river, or other tributaries of the said bay in Virginia, and thence running west by any route the directors may select to the state line of West Virginia or Kentucky.

4. The said company may construct lateral or branch roads, not exceeding fifty miles each in length, having the same privileges and being subject to the same limitations and restrictions as the main line, but these lateral or branch roads may be of such gauge as to the company seems best. It may connect its road with any other road or roads in this state now built or that may hereafter be built, and may enter the grounds of such railroads, with such necessary sidings, switches, turnouts, conveniences and facilities as will aid in the furtherance of the construction of such railroads or facilitate the exchange or handling of passengers and freight between such railroads and other railroads in this state.

5. The stockholders and directors of this company may hold meetings for the transaction of the business of the company, including the first meeting thereof for purposes of organization, out of the state; and they may establish and keep branch offices in any state or territory of the United States or in the District of Columbia, at which any business transacted shall be as lawful as if transacted at its principal office within the state of Virginia.

6. The said company shall have power to issue and sell or to pledge bonds at such times and on such terms as to the directors may seem necessary to carry on its work; and in order to secure the payment of its bonds or of the money so borrowed it may create mortgages or deeds of trust on its chartered rights, franchises and property. And the said company may receive as subscriptions to its capital stock any real or personal property that may be agreed on between the said company and the subscribers, and may exchange

its bonds for such property, and such property may be chartered rights and franchises; and it may take, hold, sell, improve or convey, in such manner as to it may seem best, any real estate so acquired: provided that it shall not hold real estate not needed for the purposes of the corporation longer than a period of thirty years from the date of the grant to it of such real estate.

7. Subject to the laws of this state, the said company may consolidate with, lease, purchase and acquire the franchises, works, privileges and property of any other railroad company now existing in this state or which may hereafter be built therein not a parallel or competing line; or it may consolidate with, lease, purchase and acquire the franchises, works, privileges and property of any other railroad within or without this state whose lines will thereby be made to connect with or be operated in connection with the railroad hereby authorized to be built; and any railroad company heretofore incorporated in this state, the line of which connects with or will connect with the railway hereby incorporated and authorized to be constructed, or which lies along its route and could be utilized as a part of its lines, or in lieu of such branch roads as this company may construct or which it has the right to construct, is hereby authorized to sell, to lease or convey its works, property, privileges and franchises to the said Eastern midland railway company upon such terms as the stockholders of the respective corporations or the legally constituted authorities of the said respective corporations shall approve.

8. The stockholders of the said Eastern midland railway company may admit the bondholders under any mortgage authorized by it to representation in the meetings of the stockholders and determine the ratio of votes to be cast thereon.

9. The corporators named in this act shall constitute the first board of directors, and shall continue in office until their successors shall be elected and qualified. They shall have the power and authority of a president and board of directors for the purpose of organization and for all other purposes incident thereto. They shall elect one of their number president of the company, and may appoint such officers as they deem proper. They may fill any vacancy that may occur in the board or in the office of president, and may receive subscriptions to the capital stock of the company. Whenever ten thousand dollars of the capital stock shall have been subscribed the board of directors shall proceed to organize the company by the election of a president, vice-president, secretary, treasurer and such other officers and agents as may be deemed necessary. The said company shall then be considered legally organized, and shall have all the general powers conferred upon corporations and chartered companies by the laws of this state, and shall be subject to all the provisions thereof, except so far as the same are modified by this act, or are inconsistent therewith.

10. The board of directors, by and with the approval of majority of the stockholders, may change the name of the company.

11. All taxes which may be assessed against the said company shall be paid in lawful money of the United States, and not in coupons.

12. The construction of the said railroad shall be commenced within two years from the first day of April next ensuing, and shall be completed within five years thereafter.

13. This act shall take effect upon its passage.

CHAP. 528.—An ACT to authorize the district school board of trustees of Petsworth district, Gloucester county, Virginia, to sell certain land bought by them, but not needed for public school purposes.

Approved February 28, 1896.

Whereas the Petsworth district school board of trustees of Gloucester county, Virginia, have bought six acres of land at a very reduced price, and it being more than is necessary for public school purposes, now desire to sell four or more acres of said land; therefore,

1. Be it enacted by the general assembly of Virginia, That the Petsworth district school board of trustees be, and they are hereby, empowered to sell such land as is not needed for school purposes and devote the proceeds of sale in such manner as in their judgment is best for the public schools of said district.

2. This act shall be in force from its passage.

CHAP. 529.—An ACT to amend and re-enact section 3693 code of Virginia, as to prize fighters, how punished, and to prohibit prize fighting and pugilism and fights between men and animals.

Approved February 28, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-six hundred and ninety-three, code of Virginia, be amended and re-enacted so as to read as follows:

§ 3693. Prize fighters, pugilism, and fights between men and animals; how punished.—Any person who shall voluntarily engage in a pugilistic encounter between man and man, or a fight between a man and bull or any other animal, for money or other thing of value, or for any championship, or upon the result of which any money or anything of value is bet or wagered, or to see which any admission fee is charged, either directly or indirectly, shall be deemed guilty of a felony, and upon conviction shall be punished by confinement in the penitentiary not less than one nor more than five years. By the term "pugilistic encounter," as used in this act, is meant any voluntary fight or personal encounter by blows by means of the fists or otherwise, whether with or without gloves, between two or more

men for money or for a prize of any character, or for any other thing of value, or for any championship, or upon the result of which any money or anything of value is bet or wagered.

2. This act shall be in force from its passage.

CHAP. 530.—An ACT to authorize the council of the city of Bristol to issue bonds to pay its bonded indebtedness.

Approved February 23, 1886.

Whereas the town of Goodson, now city of Bristol, Virginia, issued its bonds for the purchase of certain lands known as the Johnson land purchase, which remain unpaid and outstanding, and which will mature in the year eighteen hundred and ninety-eight, which said bonds amount to the sum of fifteen thousand dollars; and whereas it is desired by the authorities of said city of Bristol to have the privilege of extending the time for the payment of said bonds by the issuing of new bonds bearing interest at a rate not to exceed six per centum per annum for so much of the said debt as remains unpaid, or sell said bonds for the purpose of raising money to pay off such of said bonds as remain unpaid; therefore,

1. Be it enacted by the general assembly of Virginia, That the council for the city of Bristol, Virginia, formerly Goodson, Virginia, be, and is hereby, authorized and empowered to issue coupon bonds of said city to an amount not exceeding fifteen thousand dollars with which to retire such bonds as are due and unpaid in the year eighteen hundred and ninety-eight, or may sell said bonds for the purpose of raising money to pay off such of said bonds as remain unpaid. Said bonds shall be of the denomination of one hundred dollars or its multiple, bearing interest at a rate not to exceed six per centum per annum, interest payable semi-annually at the office of the treasurer of said city at Bristol, Virginia, or at some bank or banking house of one of the following cities, namely: Richmond, Virginia; Lynchburg, Virginia; Baltimore, Maryland; New York, state of New York, as the council for said city may direct or designate; shall be in such form as the said council may prescribe; shall be signed by the mayor of said city of Bristol, countersigned by the clerk of said council under the seal of said city. Said bonds shall run for a period not to exceed thirty years, redeemable at the pleasure of said city after ten years from the date of their issue.

2. This act shall be in force from its passage.

CHAP. 531.—An ACT to prescribe the times for holding the circuit courts in the Ninth judicial circuit.

Approved February 28, 1896.

1. Be it enacted by the general assembly of Virginia, That the circuit courts of Ninth judicial circuit shall hold terms at the times and places as follows:

Essex.—First day of March and September.

Lancaster.—Second Wednesday in March and September.

Mathews.—Third Wednesday in March and September.

King William.—First day of April and October.

Gloucester.—Second Wednesday in April and October.

Middlesex.—Fourth Thursday in April and October.

King and Queen.—Second Wednesday in May and November.

Northumberland.—Fourth Wednesday in May and November.

CHAP. 532.—An ACT to amend and re-enact an act entitled "an act to amend and re-enact section 2088 of the code of Virginia, in relation to hauling seines or setting traps in the waters of Accomac and Northampton counties," approved March 3d, 1892.

Approved February 28, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled "an act to amend and re-enact section two thousand and eighty-eight of the code of Virginia, in relation to hauling seines or setting traps in the waters of Accomac and Northampton," approved March third, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 2088. Hauling seines or setting traps in the waters of Accomac and Northampton.—No person shall haul seines or set weirs or traps of any kind for the purpose of taking or catching fish in the waters of Accomac or Northampton counties at or within the mouth or inlet or in any creek, stream or body of water, or in thoroughfares in said counties between the fifteenth day of May and the first day of September in any year; provided it shall be lawful during said prohibited period to catch fish with draw seines in the waters of Chincoteague inlet and its tributaries, and in the waters along the eastern or ocean side of Matomkin district, in Accomac county; and provided the catch of fish shall be for home consumption and not for sale outside of the county. "Mouth" and "inlet," as used in this section, shall be construed as commencing one mile beyond headlands or marshes bordering on said creeks, streams or bodies of water. This section shall not apply to taking of fish known as "fat-backs," nor be construed to prohibit the hauling of seines for family use in the waters of the north fork of Old Plantation creek, in the jurisdiction of Northampton county, within the limits prescribed in

chapter two hundred and eleven of the acts of eighteen hundred and seventy-six and eighteen hundred and seventy-seven, during the months of June, July and August, nor to interfere with the privilege of taking fish in Chesapeake bay. Any person violating the provisions of this section shall, for each offence, be fined not less than fifty nor more than one hundred dollars, and all seines, boats and other appliances used in such violation shall be forfeited to the commonwealth.

2. This act shall be in force from its passage.

CHAP. 533.—An ACT to provide a new charter for the city of Roanoke.

Approved February 28, 1896.

1. Be it enacted by the general assembly of Virginia, That the territory contained within the limits prescribed by an act approved February twelfth, eighteen hundred and ninety-two, entitled an act to provide a new charter for the city of Roanoke, as follows, to-wit: Beginning at the intersection of the present corporation limits with the road leading to Colonel Tayloe's residence; thence along said road to the eastern corner of the land of the Belmont land company; thence with the southeastern boundary line of the same and continuing same course through the land of the Roanoke land and improvement company to the south bank of the Roanoke river; thence up the river with the south bank thereof to the western boundary line of the Roanoke iron company's land; thence along the same and across the Norfolk and Western railroad to the northern boundary line of said road; thence along the northern side of said railroad land to the Sexton farm; thence with the western boundary line of said farm to the Salem turnpike at the southwest corner of the land of the Melrose land company; thence with the northern and western boundary lines of said company's lands to the Salem turnpike and present corporation line; thence with the present corporation line to the Linwood tract; thence with the western and northern boundary lines of same and crossing the Shenandoah Valley railroad to Tinker creek; thence down said creek to the present corporation line; thence with same to the beginning, shall be deemed and taken as the city of Roanoke; and the inhabitants of the city of Roanoke, for all purposes for which towns and cities are incorporated in this commonwealth, shall continue to be one body politic in fact and in name under the style and denomination of the city of Roanoke, and as such shall have, exercise, and enjoy all rights and immunities, powers and privileges, and be subject to all the duties and obligations now incumbent on and pertaining to said city as a municipal corporation.

2. The said city of Roanoke shall be divided into five wards, as follows:

The first ward shall consist of all that portion of the city embraced within the following boundary: Beginning at a point on the

Norfolk and Western railroad north of J. M. Gambill's mill; thence with the eastern side of said mill to Third street; thence with Third street southwest to Franklin road; thence with Franklin road to the south bank of Roanoke river at the iron bridge; thence with the south bank of said river westwardly to the Norfolk and Western railroad at the corner of the Roanoke iron company's property; thence with the Norfolk and Western railroad to the place of beginning.

The second ward shall consist of all that portion of the city embraced within the following boundary: Beginning at the intersection of Jefferson street and the Norfolk and Western railroad; thence with said street southward to the south bank of Roanoke river; thence with the south bank of Roanoke river westward to Franklin road; thence with the western line of the first ward to the Norfolk and Western railroad; thence with said railroad to the place of beginning.

The third ward shall consist of all that portion of the city embraced within the following boundary: Beginning at the intersection of the Norfolk and Western railroad and First street northwest; thence with said street northward to Gilmer avenue; thence with said avenue eastward to First street northwest; thence with said street northward to Gainsboro road; thence with Gainsboro road to Peach road; thence with same to Lynchburg avenue; thence northward to the boundary line of the city; thence eastward with said boundary line to Tinker creek; thence with said creek southward to the Norfolk and Western railroad; thence with the south track of said road to the place of beginning.

The fourth ward shall consist of all that portion of the city embraced within the following boundary: Beginning at the intersection of Jefferson street and the Norfolk and Western railroad; thence with the south track of said road to Tinker creek; thence with the boundary line of the corporation southward to the south bank of Roanoke river; thence with the south bank of said river to Jefferson street; thence with the eastern boundary line of the second ward to the place of beginning.

The fifth ward shall consist of all that portion of the city embraced within the following boundary: Beginning at the intersection of the Norfolk and Western railroad and First street northwest; thence northward with the western boundary line of the third ward to the northern boundary line of the city; thence with said boundary line of the city westward and southward to the Norfolk and Western railroad; thence with said railroad to the place of beginning.

CHAPTER II.

3. The administration and government of said city shall be vested in one principal officer, to be styled mayor, and in one body, to be called the common council for the city of Roanoke, and in such other bodies and officers as are hereinafter mentioned, or which may be provided for by the common council.

4. The municipal officers of said city shall consist of a mayor,

twenty common councilmen, a city clerk, a police justice, a treasurer, an auditor, a clerk of the hustings court, a sergeant, a commissioner of revenue, one justice of the peace for each ward, one constable, a commonwealth's attorney, a clerk of the markets, a city solicitor, a city engineer, and a collector of city taxes, and so forth.

5. The mayor, sergeant, commonwealth's attorney, justices of the peace, and constables shall be elected by the qualified voters of the city on the fourth Thursday in May, eighteen hundred and ninety-six, and every two years thereafter; the treasurer shall be elected by the qualified voters of the city on the fourth Thursday in May, eighteen hundred and ninety-six, and every three years thereafter; the clerk of the hustings court shall be elected by the qualified voters of the city on the fourth Thursday in May, eighteen hundred and ninety-six, and every six years thereafter; the commissioner of the revenue shall be elected by the qualified voters of the city on the fourth Thursday in May, eighteen hundred and ninety-eight, and every four years thereafter.

6. At the general election to be held on the fourth Thursday in May, eighteen hundred and ninety-six, there shall be elected two councilmen from each ward in said city, who shall fill the offices of those councilmen whose term expires in eighteen hundred and ninety-six, and shall hold office for two years, and each year thereafter two councilmen from each ward shall be elected at the general election, who shall fill the offices of those councilmen whose term expires in that year, and their term office shall be two years; the councilmen so elected under this act shall be elected by the qualified voters of the city of Roanoke, each ward to elect its own two councilmen and to be represented in council by an equal number; in case any vacancy shall occur in the council by resignation or otherwise the council shall elect a qualified person to fill the same until the next general election thereafter; at the next general election thereafter the qualified voters of the ward in which the said vacancy exists shall elect a councilman to fill the vacancy; no person shall be eligible to the office of councilman unless he is a resident of the ward from which he is elected, and removal from the ward after being elected to the council shall vacate the office.

7. The election of all the foregoing officers shall be held under and pursuant to the general laws of the state.

8. The term of office of said officers shall begin on the first day of July succeeding their election.

9. The common council shall elect a city engineer, a city auditor, a city clerk, a police justice, a city solicitor, a collector of city taxes, and so forth, and a clerk of the markets, all of whom shall hold office for two years, and the common council shall elect such other officers as it may deem expedient for the proper conduct of the affairs of the city, and in the execution of the powers hereinafter conferred upon it, and prescribe their duties and term of office; any office which the council has the power to create it may at any time for good cause abolish, whether the term of office of the incumbent has expired or not.

10. The term of office of those officers mentioned in the preceding

section, and of all other officers elected by the council, shall begin on the first day of August succeeding their election.

11. No person shall be eligible to any municipal office in said city unless he is a qualified voter thereof, nor shall any person be capable of holding at the same time more than one of the offices mentioned in this act, and removal from the city of any one holding a municipal office shall vacate said office; no member of the common council shall hereafter be elected to any office or employment in the choice of said council so long as he is a member of said council.

12. The officers elected by the council may be removed from office for cause after a proper investigation and hearing; in case of any vacancy occurring in any municipal office where it is not herein otherwise provided, the said council shall elect a qualified person to fill said office during the unexpired term.

13. The council shall grant to all city officers, clerks and assistants elected or appointed in pursuance of this act such salaries or compensation as shall be fixed by this act, or such as the said council may from time to time deem just and proper, but no officers shall be appointed and no salaries paid unless approved by the council.

14. Any person holding a municipal office and vacating the same on account of removal or otherwise shall deliver over to his successor in office, or to the city clerk, all property, books and papers belonging to the city or appertaining to such office which may be in his possession or under his control, and in case of his failure to do so within ten days after he shall have vacated the office, or within such time thereafter as the council shall elect, and upon notification or request of the city clerk, he shall forfeit and pay to said city the sum of five hundred dollars, to be sued for and recovered, with costs; and all books, records and documents used in such office by virtue of any provision of this act, or of any ordinance or resolution of the council, or by order of any superior officer of said city, shall be deemed the property of said city, and as appertaining to said office, and the incumbent of such office and his sureties shall be responsible therefor.

15. All officers provided for in this act and all officers elected by the council shall, before entering upon the discharge of their duties, execute bond, payable to the city of Roanoke, in such penalty as said council may prescribe, conditioned for the faithful discharge of their respective duties; all sureties to be residents of the state of Virginia except well-known and responsible surety companies: provided that the provisions of this section shall not apply to councilmen, the mayor, justices of the peace, overseers of the poor, and the city physician and board of health.

CHAPTER III.

16. The council shall elect annually one of its members as president, and shall also at the same time elect one of its members as president pro tempore, who shall, in the absence of the president of the council, perform all the duties devolving upon the office of president.

17. The president shall have power to call special meetings of the council, and in case of his absence or refusal the council may be convened by order of the clerk upon the request of any five members in writing, but no special meeting shall be convened until notice has been served upon each member of the council in person or by leaving a copy of the same at his place of abode.

18. The council shall fix, by ordinance, the time for holding its stated meetings, and no business shall be transacted at a special meeting except that for which it shall have been called.

19. The council shall have authority to adopt such rules and to appoint such officers, committees, and clerks as it may deem proper for the regulation of its proceedings and the convenient transaction of its business; to compel the attendance of absent members; to punish its members for disorderly behavior, and, by a vote of three-fourths of its members, to expel a member for malfeasance or misfeasance in office. It shall keep a journal, in which the clerk shall record the proceedings of each session, and the same shall be properly indexed. All resolutions and ordinances shall be recorded in a book to be called the ordinance book, which shall be properly indexed.

20. The meetings of the council shall be open to the public, except when the public welfare shall require secrecy. A majority of the members shall constitute a quorum for the transaction of business, but no ordinance shall be passed or no resolution adopted having for its object the appropriation of money except by a concurrence of a majority of the council. No vote taken at a stated meeting shall be reconsidered at a special meeting unless there be at least fifteen members present and twelve concur therein.

21. If any member of said council shall be absent from its meetings voluntarily for three consecutive months his seat shall be deemed vacant, and the unexpired term of his office shall be filled according to law; but no member of the council shall be removed without first having received reasonable notice of the action about to be taken.

22. The council shall have, subject to the provisions given in this act, the control of the fiscal and municipal affairs of said city, and all property, real and personal, belonging to said city, and may make such ordinances and by-laws relative to the same as it may deem proper, and it shall likewise have power to make such ordinances, orders, by-laws and regulations as it may deem necessary to carry out the following powers, which are hereby vested in it:

23. To establish a market or markets in and for said city, and to appoint proper officers therefor; to prescribe the time and place for holding the same; to provide suitable buildings and grounds therefor, and to enforce such regulations as shall be necessary and proper to prevent huckstering, forestalling and regrating.

24. To erect or provide in or near said city suitable work-houses, houses of correction and reformation, and houses for the reception and maintenance of the poor and destitute; and it shall possess and exercise authority over all beneficiaries of the poor law, or over those who may be entitled to benefits thereunder; to appoint necessary

officers or other persons proper to be connected with the aforesaid institutions, and to regulate pauperism within the limits of said city; and the council, through the agency it shall appoint for the direction and management of the poor of the city, shall exercise the powers and perform the duties vested by law in overseers of the poor.

25. To erect and keep in order all public buildings necessary or proper for said city; to erect within the city a city prison, and said prison shall contain such apartments as shall be necessary for the safe-keeping of all persons confined therein.

26. To establish or enlarge water works, electric light, or gas works within or without the limits of said city; to contract and to agree with the owners of any land for the use and purchase thereof, or to have the same condemned according to law for the location, extension, enlargement, or improvement of said works, the pipes connected therewith, or any fixtures or appurtenances thereof, and shall have jurisdiction over and the power to protect from injury, by ordinance prescribing adequate penalties, the said works, pipes, fixtures, and lands, or anything connected therewith, or works, fixtures, and other appurtenances of water and gas companies and electric light plants established under its authority, whether within or without the limits of said city.

27. To open, to close, to improve, to widen or to narrow streets, avenues, and alleys, and to have them kept in good order and properly lighted; to make sidewalks, to build bridges, culverts, and sewers within the said city, or to cause to be graded, paved, or macadamized any public street, avenue, or alley, or any part thereof, which is now or may be hereafter laid out or opened in said city, and to have the same set with curbstone, and shall have power to provide for the payment of such improvements out of the general revenue, or by assessment on the real estate benefited thereby, as in the judgment of the council shall seem expedient; and over any street or alley in the city which has been or may be ceded or conveyed to the city by proper deed it shall have like power and authority as over other streets and alleys. It may prevent the building of, or may remove any structure, obstruction, or encroachment upon, over, or under any street, sidewalk, or alley in said city, and may permit shade trees to be planted along said streets, but no company or individual shall occupy with it or his works, or with any appurtenances thereof, the streets, sidewalks, or alleys in the city without the consent of the council regularly granted by resolution or ordinance.

28. To prevent the cumbering of streets, sidewalks, alleys, lanes, or bridges in the city in any manner whatever.

29. To determine and to designate the route and grade of any railroad to be laid in said city, and to restrain and to regulate the rate of speed of locomotive engines and cars upon the railroads within the said city.

30. To make provision for and to regulate the weighing of hay, fodder, oats, shucks, or other long forage. It may also provide for the measuring of oats, corn, grain, coal, stone, wood, lumber, boards, potatoes, and other articles for sale or barter.

31. To require every merchant, retailer, trader and dealer of mer-

chandise or property of any description which is sold by weight or measure to cause his weights and measures to be sealed by the city sealer and be subject to his inspection, and it may impose penalties for any violation of such ordinance.

32. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, to erect and to regulate hospitals, and to subscribe funds for the maintenance of private hospitals; to provide for and enforce the removal of patients to the hospital or hospitals established by the city or to which the city shall have subscribed; to appoint and to organize a board of health for said city, and to clothe it with authority necessary for the prompt and efficient performance of its duties.

33. To require and to compel the abatement and removal of nuisances within said city at the expense of the person or persons causing the same, or of the owner or owners of the ground whereon the same may be, and to collect said expense by a suit or motion; to prevent and to regulate slaughter-houses, soap and candle factories within said city, or to restrain the exercise of any dangerous, offensive, or unwholesome business, trade, or employment therein, and to regulate the transportation of coal and other articles through the streets of said city.

34. If any ground in said city be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate therein, the council may cause such grounds to be filled, raised or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense for so doing from the owner or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the city authorities or their agents, in which case the city shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon the real estate for the benefit of the city are authorized to be collected, or by suit or motion: provided that reasonable notice shall first be given to said owner or owners, or his or her or their agent or agents. In case of non-resident owners who have no agent in said city such notice may be given by publication for not less than ten days in any newspaper published in said city, all expenses of said publication to be paid for by the owner or occupier as above. The occupier of such premises shall only be compelled to pay for the same an amount not exceeding the amount due by him for rent, and he shall have the right to offset any amount he may have so paid against the rent due the owner of the premises.

35. To direct the location of all buildings for storing gunpowder and other combustibles and explosive substances, and to regulate the sale and use of gunpowder, fire-crackers, or fire-works manufactured or prepared therefrom, kerosene oil, nitro-glycerine, camphene, burning fluid, or any other combustible material; to regulate the exhibition of fire-works, the discharge of fire-arms, the use of light and candles in barns, stables, and other outbuildings, and to restrain the making of bonfires in streets and yards.

36. To prevent hogs, dogs, and other animals from running at large within said city, and to subject the same to confiscation, regulations, and taxes as it may deem proper.

37. To prevent the riding and driving of horses and any other animals at an improper speed; throwing stones or engaging in any employment or sport on the streets, sidewalks, or public alleys dangerous or annoying to passengers, and to prohibit and punish the abuse or cruel treatment of horses and other animals in said city.

38. To restrain and punish drunkards, vagrants, and street beggars; to prevent vice and immorality; to preserve the peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame and gambling-houses; to prevent and punish lewd, indecent and disorderly exhibitions in said city, and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

39. To forbid, prevent and to punish the selling or giving away of liquors and intoxicating drinks to be drunk in any public place not duly licensed, and the selling or giving to be drunk any intoxicating drinks or liquors to any child, or minor, and the selling or giving away of cigarettes to any minor under fifteen years of age, and for any violation of any such ordinance it may impose fines in addition to those prescribed by the laws of the state.

40. To prevent the coming into the city of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the city.

41. To prescribe the limits within which no building shall be constructed, except of brick, stone or other incombustible material with fire-proof roof, and to impose a penalty for a violation of any such ordinance, and to appoint one or more persons to inspect buildings and condemn such as are unsound or unsafe.

42. The common council is empowered to hold such lands as may have already been acquired by the city of Roanoke, to be used as a place for the burial of the dead, and to acquire by purchase or otherwise such additional lands as may be necessary for that purpose. The said council shall also have power to prescribe and enforce all needful rules and regulations not inconsistent with the laws of the state for the use, protection, and preservation of the cemetery or cemeteries; to set aside, in its discretion, by metes and bounds a portion thereof for the interment of strangers and the indigent poor; to divide the remainder into burial lots, and to sell or to lease the same, and to execute all proper deeds and other writings in evidence of such sale or lease, and to prescribe what class or condition of persons shall be admitted to interment in the cemetery or cemeteries; and when established or enclosed with the property included in it or them shall be exempt from all state, county, and municipal taxation.

43. Where, by the provisions of this act, the council has the authority to pass ordinances on any subject, it may prescribe any penalty not exceeding five hundred dollars for a violation thereof, and may provide that the offender, on failing to pay the penalty imposed, shall be imprisoned in the jail of the city for a term not exceeding ninety days, which penalties may be prosecuted and recovered, with

costs, in the name of the city of Roanoke, or may compel them to work on the streets or other public improvements of said city. The accused, if convicted, shall have the right of appeal to the hustings court of said city.

44. The council shall not take any private property for public purposes without making the owner thereof just compensation for the same; and when the council cannot, by agreement with the owner, obtain the title to or the use of such property for such purposes, it shall be lawful for the said council to institute and prosecute proceedings for the condemnation thereof according to law.

45. In every case where a street in said city has been or may be encroached upon by any fence, building, or otherwise, the council may require the owner (if known, or if unknown, the occupant of the premises encroaching) to remove the same, and if such removal be not made within the time prescribed by the council, it may impose a penalty of five dollars a day for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and may collect from the owner all reasonable charges therefor, with costs, by the same process it is hereinafter empowered to collect taxes, or by suit or motion, and whatever amount the occupant or tenant may have to pay therefor, for the said amount he shall have a valid and lawful offset against the rent due or to become due to his landlord.

46. Whenever any street or lane in said city shall have been opened to and used by the public for a period of five years the same shall thereby become a street, lane, or alley for public purposes, and the council shall have the same jurisdiction over and right and interest therein as it has by law over the streets, alleys, and lanes laid out by it; and any street or alley reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said city by a plan or plat of record which has been or may be filed in the clerk's office of the corporation court of the city of Roanoke, shall be deemed and held to be dedicated to the public use, unless it appears by said record that the said street or alley so reserved is designated for private use. But upon petition of a majority of the persons interested therein, the council shall have power to open the same for the use of the public, and a map thereof shall be filed with the city engineer in case the same is opened for the public.

47. Whenever any new street may be laid out, or when any street may be paved or graded, culverts or sewers built, or any public improvement whatsoever made, the council shall determine what portion, if any, of the expenses thereof shall be paid out of the city treasury and what portion, if any, shall be paid by the owners of the real estate benefited thereby; and for whatever amount the council shall decide shall be paid by the owners of the real estate bounding and abutting on said streets, or benefited by any such improvement an assessment shall be levied by the council by the front footing bounding or abutting or benefited aforesaid, and the council shall prescribe the time and manner in which the said assessment shall be payable; and when levied it shall be a lien on the property

against which it is assessed from the date of such assessment, which lien may be enforced by a bill in chancery; but no such assessment on abutting property shall be made until a plan of such improvement shall have been made by the city engineer, with an estimate of the cost and the amount to be paid by each abutting owner, such plan and estimate to be filed in the clerk's office of the common council, and a hearing given to said abutting owners before said council or committee thereof, after notice; provided that in the construction of proposed sidewalks, or repairs to the same, the council may require the abutting owners to construct said improvements according to plans and specifications adopted by the council, in which case notice shall be served upon the abutting owners to make said improvements or repairs as aforesaid within a reasonable time, and in case any of them fail to comply with the terms of said notice, then the council shall proceed to construct said sidewalks or make said repairs, and levy an assessment against the abutting property for the actual cost thereof, and said assessment shall be a lien upon the abutting property as other assessments levied under the provisions of this section: provided, further, the council may, by a majority vote, instead of the above provide for said street improvements and construction of sidewalks as follows—that is to say, that in order to provide for the payment of the cost and expenses of said improvements to be assessed on the abutting property, the council may from time to time (as such improvements progress) issue the bonds of said city in such sums as may be required, in all to an amount not exceeding the contract price of the work and other expenses attending the same, and interest as hereinafter provided for. Said bonds shall be issued as other bonds of cities are issued, but they shall bear the name of the street or avenue or alley to whose improvement they are issued, and shall state therein that they are to be paid by an assessment upon the property abutting on the said improvement. Said bonds shall extend over a period of at least eight years, to be provided in the ordinance directing the improvement; they shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually on the first day of July and January, and principal and interest payable at the office of the city treasurer. The said bonds shall be negotiated at not less than par, and the proceeds shall be applied solely to pay for said improvement, and the proceeds thereof shall only be paid upon the certificate of the city engineer of the said city that the work has been done according to contract. When the whole work is done the amount of the bonds sold to pay for the same, and the interest thereon to the next interest day, when assessments can be collected as hereinafter provided to pay the same, shall be taken as the cost of said improvement to be paid by the abutting property owners, and that amount shall be assessed equally by the front foot of property fronting or abutting on the said improvement. Such assessments shall be payable in equal installments to meet said bonds provided for in the ordinance ordering said improvements at the office of the collector of city taxes, with interest at the rate provided for in said

bonds, payable semi-annually, from the date to which said semi-annual interest was computed on the amount of said bond, or so much as remains unpaid from time to time, until all said bonds and interest are fully paid. Such assessments with the interest accruing thereon, shall be a lien upon the property abutting upon the street, avenue, or alley from the time the contract is entered into for the making of said improvement, and shall remain a lien until fully paid, having precedence of all other liens except taxes, and shall not be divested by any judicial sale, unless the payment of same is provided for from the proceeds of such sale, which lien may be enforced by a bill in chancery; provided that such lien shall be limited to the usual depth of the lots or lands abutting on said improvement, and no mistake in the description of the property or the name of the owner or owners shall impair the said lien. Any owner of property against whom an assessment shall have been made for such improvement shall have the right to pay the same, or any part remaining unpaid, in full, with interest thereon, to the next semi-annual payment of interest due on said assessment, and such payment shall discharge the lien on said property. If any owner shall subdivide any abutting property after such lien attaches, he may discharge the lien upon any part thereof in like manner. All moneys received from such assessments shall be appropriated by the proper authorities of said city solely to the payment of the interest and the redemption of the bonds issued for said improvement or any renewal thereof. If any bond or interest shall be due, and there is no money on hand with which to pay the same, the city council shall be authorized to make a temporary loan to pay said bonds or interest; but such lien shall continue in force on the abutting property for the full assessments not paid and accruing interest for such temporary loan in behalf of the city.

48. The council may by ordinance make such regulations not inconsistent with law as it may deem expedient in relation to the erection of buildings or the alteration of the same, and may regulate the building, construction, management, and inspection of elevators, hoist-ways, elevator shafts, and plumbing, steam, gas, and electric fittings of buildings in said city.

49. The council may by ordinance make such regulations in relation to the construction of all wagons, carts, carriages, trucks, sleighs, sleds, and other vehicles, or any part thereof, and their loads, passing over the highways and public places of said city, as it may deem necessary for the public good.

50. The council shall enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.

51. In the building of any sewers through the streets or alleys of said city the council shall have the authority to contract with the adjacent property owners for the temporary use of the adjacent property, and pay adequate compensation therefor; and in case the compensation cannot be agreed upon the temporary use of such property may be had by proceedings similar to those employed in the condemnation of the freehold under the general laws of the state.

52. The council shall have authority to make all such ordinances, by-laws, rules, regulations and resolutions not inconsistent with the laws of this state, as may be expedient in addition to the special powers herein granted, for maintaining the good government and welfare of the city and its trade, commerce and manufactures, and to enforce by ordinance and to inflict penalties for a violation thereof not exceeding one hundred dollars.

53. Every ordinance or resolution partaking of the nature of an ordinance which shall have been passed by the council shall, before it becomes a law, be presented to the mayor; if he approve, he shall sign it and return the same to the city clerk. In case of his disapproval, he shall return the same to the council, with his reasons therefor in writing, and the council shall have the right to pass such ordinance or resolution over his veto by a vote of two-thirds of the members of the council. In case the mayor fails to either approve or disapprove an ordinance or resolution, or to return the same to the clerk within ten days after it has been presented to him, it shall become a law.

CHAPTER IV.

54. Mayor.—It shall be the duty of the mayor to enforce the laws and ordinances of the city and all orders and resolutions of the council. He shall see that the duties of the various city officers are faithfully performed. He shall have power to investigate their acts and have access to all books and documents in their office. He shall also have power to remove or suspend any municipal officer, whether he be elected by the qualified voters of the city or by the council, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in his defence. Whenever the mayor shall remove or suspend any such officer, he shall report the facts, with his reasons therefor, to the council at the next regular meeting, but in no case shall such removal be final until ratified by a majority of the whole council; provided, however, that nothing in this section shall be construed as authorizing the mayor to remove the sergeant of said city or his deputies, the power and authority to remove said sergeant and deputies being hereby confined exclusively to the hustings court for the city of Roanoke, said court being hereby empowered to remove, after reasonable notice and an opportunity being given to be heard, said sergeant or any of his said deputies for malfeasance or misfeasance in office.

55. In case of the absence or inability of the mayor the president of the council, or in his absence or inability the president pro tempore of the council, shall act as mayor, and shall possess the same powers and discharge the same duties as are possessed and discharged by the mayor during such absence or inability.

56. It shall be his duty to communicate to the council at the end of each fiscal month a general statement of the condition of the city in relation to its government, finances and improvements, with such recommendations as he may deem proper.

57. In case a vacancy shall occur in the office of mayor the president of the council shall fill the vacancy for the unexpired term, and the vacancy thus caused in the council shall be filled according to law.

58. The mayor of said city shall be removed upon information or presentment by the hustings' court for the city of Roanoke upon proof of malfeasance or misfeasance in office.

59. The mayor shall receive such salary as shall be fixed by the said council, and he shall receive no other compensation or emoluments whatever, and his salary shall not be diminished during his term of office.

60. The mayor shall be authorized to appoint a chief of police and such number of policemen as may be prescribed by the council, which appointments shall be reported to the council at the next regular meeting thereof, and if approved by it they shall be confirmed. Such chief and policemen shall constitute the police force of said city, and shall hold their respective positions during good behavior, or until they may be severally removed by the mayor or by three-fifths vote of the council, after notice to and failure of the mayor to act after having been requested to do so by the council. The police force shall be under the control of the mayor for the purpose of maintaining peace and order and executing the laws and ordinances of the city, and shall perform such other duties as the council may prescribe. For the purpose of enabling it to execute its duties and powers each member of the police force is hereby made and constituted a conservator of the peace, and endowed with all the powers of a constable in criminal cases, and all other powers which, under the laws of the city, may be necessary to enable him to discharge the duties of his office. The uniform, rules and regulations of the police force shall be prescribed by the mayor and approved by the council. The pay of all policemen shall be prescribed by the council.

61. Police justice.—The police justice shall possess and exercise all the jurisdiction and exercise all the power and authority in criminal cases of a justice of the peace for said city, but he shall receive no fees for services as such police justice. He shall also try all violations of the city ordinances and inflict such punishment as may be prescribed for a violation of the same. He shall keep his office and court at the place prescribed by the council, daily, except Sundays, and if from any cause he shall be unable to act, the mayor shall appoint one of the justices of the peace of said city to discharge the duties of the police justice prescribed herein during such inability, and who shall be paid for such service by the police justice at the same rate per diem as such police justice receives. From any decision of the police justice affecting the legality or validity of any ordinance passed by the council the city shall have the right of an appeal to the hustings court of said city.

62. The police justice shall keep a regular account of all fines, forfeitures, and costs imposed or arising in the administration of his office, which he shall report weekly to the auditor. The chief of police shall collect such fines, forfeitures, and costs and report the

same weekly to the auditor, and pay the same weekly to the treasurer. The police justice shall receive such salary as shall be fixed by the council, and he shall receive no other compensation or emoluments whatever, and his salary shall not be diminished during his term of office.

63. Treasurer.—The city treasurer shall receive all the money belonging to the city, and shall keep his books and accounts in such manner as the council may prescribe, and such books and accounts shall be subject to the inspection of the mayor or any committee of the council authorized to examine the same.

64. No money shall be paid out except upon warrants of the auditor, countersigned by the clerk of council. All money to be paid to the treasurer of the city shall be paid by the person liable to pay the same or his agent to the treasurer in the following manner: A warrant shall first be obtained from the auditor, directed to the treasurer to receive the sum to be paid, specifying on what account the payment is to be made. Upon payment of the money to the treasurer he shall give a receipt for the same in duplicate, which receipt shall be carried to the auditor, who shall endorse on the original receipt the fact that a duplicate thereof has been filed in his office and deliver the same to the person entitled thereto, and shall file the duplicate in his office; and no payment made to the treasurer unless this requirement is complied with shall be an acquittance of any claim on the part of the city.

65. The treasurer shall also report to the city auditor at the end of each fiscal year, and more frequently if required, a full and detailed account of all receipts and expenditures during the fiscal year in the city treasury. He shall keep a register of all warrants of every sort, the number and the person to whom paid, specifying also the time of payment, and all such warrants shall be examined by the committee on finance, who shall examine and compare the same with the books of the auditor at the end of each fiscal year and report its findings to the council.

66. The treasurer shall perform such duties as may be hereafter prescribed and ordained by the council.

67. The treasurer shall be required to keep all money in his possession belonging to the city upon deposit in some safe banking institution or institutions in the city of Roanoke, and such moneys shall be deposited to his credit as treasurer of the city of Roanoke; and he is hereby expressly prohibited from using, directly or indirectly, the corporation money or warrants in his custody or keeping for his own benefit or use, or that of any person or persons whomsoever, and any violation of this provision shall be deemed a malfeasance in office, for which he may be removed by proceedings instituted in the hustings court for said city. In case of his removal the judge of the hustings court shall appoint a qualified person to fill said office until the next general election which may be held in the city, when the qualified voters of said city shall fill the vacancy by the election of his successor, who shall hold office for the remainder, if any, of the unexpired term of the officer removed.

68. The treasurer shall be allowed such compensation for receiving

and disbursing the revenue, city and school levies, and other funds as may be prescribed by council; and he shall receive no other compensation or emoluments whatever, and his salary shall not be diminished during his term of office.

69. The council shall elect a collector of city taxes, whose duty it shall be to collect all city taxes and assessments, city licenses, rents, fines, penalties, and other income and revenue of the city which is not made specially the duty of some other officer to collect. He shall have the right to appoint one or more deputies, to be approved by the council, for whose acts and doings he and his sureties shall be responsible. He shall perform such other acts and duties as the council may from time to time require of him. The collector of city taxes shall receive such compensation as council may prescribe by ordinance. The council shall by ordinance fully prescribe the duties of the tax collector and manner and mode of conducting his office. Before entering upon his duties as collector of city taxes, and so forth, he shall enter into bond, with sureties to be approved by council, in such sum as the council may direct, said bond to be payable to the city of Roanoke and conditioned for the faithful discharge of the duties of said office.

70. Auditor.—The auditor shall superintend the fiscal concerns of the city, and shall manage the same in the manner required by this act and the ordinances and resolutions of the council.

71. He shall keep a regular set of books, in which shall be opened and kept as many accounts, under appropriate titles, as may be necessary to show distinctly all the estate and property whatsoever, real and personal, vested in the city by law or otherwise, and of trusts in the care of the same; all funds due and owing by the city, all receipts and expenditures in the various departments of the city, and all appropriations made by the council, and the sums expended under the same, respectively.

72. He shall from time to time and as often as he may deem necessary or the council shall direct, suggest plans to the council for the management and improvement of the city finances.

73. He shall have the supervision and control of the fiscal concerns of all departments and officers of the city, who shall collect, receive, or disburse the public moneys, or who are charged with the management or custody thereof; and may at any time require from any of them in writing an account of any and all moneys or property of the city in their hands or under their control, and he shall immediately upon the discovery of any default, irregularity, or delinquency report the same to the council.

74. He shall sign all warrants on the city treasurer, and shall not suffer any appropriation made by the council to be overdrawn. In every case where an appropriation shall be exhausted, and the object of which is not completed, he shall immediately report to the council and give such report, with a statement of the moneys which have been drawn on such appropriation, and the particular purposes for which they were drawn. Whenever an account against the city shall be presented to him for payment the person presenting the same shall, if the auditor require, produce evidence—first, that the amount

expressed in the account is due to the person in whose favor it is made; second, that the supplies or services on which the account is made have been furnished or performed; third, he shall have authority to administer oaths or affirmations in verification of demands for his signature, but shall not be entitled to receive any fee therefor. The council, however, may require, before any warrant is issued, that the account be submitted to the council.

75. He shall make a report, verified by oath or affirmation, to the council at the end of each fiscal month of the public accounts of said city, and of the trusts in its care, exhibiting all of the expenditures of the city, the sources from which the revenue and funds are derived, and in what manner the same have been disbursed, each account to be accompanied by statement in detail, in separate columns, of the several appropriations made by the council and the amount drawn on each appropriation, and the amount standing to the debit or credit of the same.

76. There shall be kept in the auditor's office a lien docket, in which, in proper columns, shall be entered all claims for curbing and paving sidewalks, assessments for damages, and all contributions for opening public streets, lanes and alleys, or parts thereof; for paving, grading, macadamizing the same; for sewerage, and for any other public improvements, which docket shall at all times be open to the inspection of the public; and after said lien shall have been docketed all persons shall be affected with notice.

77. The auditor shall receive such salary as shall be prescribed by the council, and the same shall not be diminished during his term of office.

78. City clerk.—There shall be one city clerk elected by the council, who shall hold office for two years and until his successor be elected and qualified unless sooner removed from office by the council.

79. The said clerk shall attend the meetings of the council and keep a record of its proceedings, and he shall be the clerk of all the committees thereof; he shall have the custody of the corporate seal and of all official bonds taken by order of the council or under requirements of law; he shall keep all the papers that by the provisions of this act or the direction of the council are required to be filed with or kept by him. He shall countersign all warrants issued by the city auditor.

80. It shall be his duty, immediately after the close of each session of the council, to make and present to the mayor a transcript of every ordinance, resolution or order, and act of legislative character concerning any public improvement, or for the payment of money, and of every ordinance, resolution, order or act of legislative character passed at such session. He shall in like manner transmit to the auditor a transcript of all orders, ordinances or resolutions appropriating money or authorizing the payment of money, the issue of bonds or notes. He shall in like manner give notice to all persons presenting petitions or communications to the council of the final action of the council on such petition or communication. He shall publish such reports and ordinances as the council is required by this act to

publish, and such other reports and ordinances as it may direct, and shall in general perform such other acts and duties as the council may from time to time require of him.

81. Clerk of the hustings court.—There shall be one clerk of the hustings court for said city, who shall serve for a period of six years and until his successor be elected and qualified. He shall receive in compensation for his services the fees and emoluments allowed by law to clerks, and such allowances as the council may from time to time deem just and proper.

82. Commonwealth's attorney.—There shall be one commonwealth's attorney, who shall prosecute in all criminal cases in the hustings court of said city. He shall hold his office for a term of two years and until his successor be elected and qualified unless sooner removed, and shall receive for his services such compensation as may be prescribed by law and such additional compensation as the council may from time to time provide.

83. Commissioner of revenue.—There shall be one commissioner of revenue, who shall hold his office for a period of four years and until his successor be elected and qualified unless sooner removed from office. He shall give bond, with sureties, in such amount as the council may determine, said bond to be approved by the council and entered on its journal and filed in the office of the city clerk. In case a vacancy shall occur in the office of commissioner of the revenue the council shall elect a qualified person to fill said office until the next general election which may be held in the city, when the vacancy shall be filled by the qualified voters for the unexpired term.

84. The said commissioner of revenue shall perform all the duties in relation to the assessment of property for the purpose of levying the city taxes that may be ordered by the council. He shall keep his office in some convenient place in said city, and shall keep therein such books, schedules, and records, and in such manner as the council may prescribe or as required by the state law, which books, records, and other papers shall be subject to the inspection and examination of the mayor, the members of the council or any committee thereof, of the city treasurer, and collector of city taxes.

85. To aid the commissioner of the revenue in his duties the clerk of the hustings court for said city, as required, shall deliver to him such lists as are mentioned in section four hundred and thirty-nine of the code of Virginia of eighteen hundred and eighty-seven as far as may relate to lands in said city.

86. The commissioner of revenue shall be paid such fees for the performance of all duties in relation to the assessment of property for the purpose of levying the city taxes, and for all duties in connection with issuing the city licenses, assessments and other claims of the city, and any and all other duties in connection with the municipal business of the city of Roanoke as the council may from time to time prescribe, and no other compensation.

87. City sergeant.—There shall be one city sergeant, who shall attend the terms of the court of hustings for said city and act as the officer thereof, and shall perform other duties as may be prescribed

and ordained by the council, and shall receive such compensation therefor as the council may determine.

88. The sergeant may, with the approval of the court of hustings of said city, appoint a deputy or deputies, who may be removed from office by the said sergeant, by the mayor, or by the council. During the continuance in office of the said sergeant his deputy or deputies may discharge any of the duties of the office of sergeant, but the sergeant and his sureties shall be liable therefor.

89. There shall be elected one constable for the city, who shall hold his office for the term of two years, and until his successor be elected and qualified, unless sooner removed from office. Said constable shall have the power to appoint one or more deputies, with or without security, who shall have the like powers as their principal officer; but the principal or high constable and his securities shall be responsible for the acts of said deputies. Said constable shall keep his office in such convenient place in the city as may be designated by the city council, and shall receive such compensation for his services as is allowed by law. He shall in all civil cases have the same powers and duties, and be subject to the same penalties as are prescribed by law for other constables, and shall perform such other duties as the council may ordain or may be prescribed by the laws of this state.

90. Justices of the peace.—There shall be one justice of the peace for each ward of said city, who shall be residents of their respective wards, and shall hold office for the term of two years, and until their successors be elected and qualified, unless sooner removed from office. The said justices of the peace shall be conservators of the peace within the limits of the corporation of Roanoke and one mile beyond, and shall have the same powers and duties within said limits, and receive for their services such fees as are prescribed by law in respect to justices of the peace in the counties of this state in their respective counties.

91. Clerk of the markets.—The clerk of the markets shall perform such duties and receive such compensation as may be prescribed by the council. All moneys received by him shall be reported weekly to the auditor and paid to the treasurer.

92. City solicitor.—All law matters to which the city may be a party or in any wise interested shall be under the supervision, direction, and control of the city solicitor, subject to the direction of council. He shall prepare all bonds, obligations, contracts, leases, covenants, assurances, and other documents which may be required of him by any ordinance or order of the council or the general laws of the city; commence and prosecute all and every suit or suits, action or actions brought by the city for or on account of the estate, rights, trusts, privileges, claims, or demands of the same, and defend all actions or suits brought against the city or any officer thereof before any court of this commonwealth, and shall do all and every professional act incident to the office which may be required of him by the mayor, the council, or any committee thereof.

93. He shall, when required, furnish the council, committees

thereof, the head of any department, or the mayor, with his written opinion on any subject which may be submitted by them to him.

94. He shall at least once in each month make a report to the city auditor of all moneys received by him by virtue of his office and immediately pay the same to the treasurer.

95. The city solicitor shall receive such salary as shall be fixed by the council at the beginning of each fiscal year and no other compensation, and all fees received by him in his official capacity shall be paid to the city treasurer monthly, as hereinbefore provided.

96. City engineer.—The city engineer shall make field notes of all work performed by him for the city and for private individuals within the city limits, and the same shall be kept in his office for reference and turned over to his successor.

97. The city engineer shall devote his entire time and attention to the service of the city in surveying the streets, alleys, lanes, and highways thereof, furnish regulations for building, and make all necessary plans, drafts, or maps which may be required for the use of the city for highways, paving, surveying or building. All instruments, paper, and other materials necessary for the equipment and supply of his office shall be furnished by the city, and all maps, drafts, or plans made by the city engineer for the purposes aforesaid and intended for preservation shall be executed on sheets of good draft paper, and shall, as far as practicable, be all of a uniform size, and the same shall be the property of the city and be bound in book form and be kept among the archives of the city for the use of the council and the various officers of the city government and the inspection of the citizens; and he shall do and perform any other service that may be required of him by resolution or ordinance of the council.

98. The salary of the city engineer shall be fixed by the council, and all fees received by him in his official capacity shall be paid over to the city treasurer monthly in the same manner as is required for paying in other moneys.

CHAPTER V.

99. General provisions.—The common council may, in the name and for the use of the city, cause to be issued certificates of debt or bonds for making any manner of public improvement and for public school buildings and the equipment thereof: provided that no such certificates of debt or bonds shall be issued except by a three-fourths vote of the council, endorsed by a majority of the freehold voters of said city voting on the question; but such certificates of debt or bonds shall not be irredeemable for a period greater than thirty-four years: provided, further, that said council shall not issue such certificates of debt or bonds for the purpose of subscribing to the stock of any company incorporated for a work of internal improvement or other purposes without first being authorized to do so by a three-fourths vote of the freehold voters of the city voting on the question: and provided, further, that in no case shall the aggregate debt of the city at any one time exceed ten per centum of the assessed value of

the property, real and personal, within the city limits: and provided, further, that the said council shall not endorse the bonds of any company, whatsoever without the same authority.

100. The council shall have the power to negotiate and secure a temporary loan by issuing bonds or making notes therefor bearing interest at not exceeding six per centum per annum; such bonds, notes, or other evidences of debt to be executed in the same manner as the bonds provided for in section ninety-nine are executed: provided that no such debt shall be created except by a three-fourths vote of the entire council: and provided, further, that such debt shall be payable or such bonds redeemable within one year from the creation of such debt or issue of such bonds; but no such debt or issue of bonds shall at any time exceed in the aggregate twenty-five thousand dollars.

101. There shall be set apart from the resources of the city a sum equal to one per centum per annum of the aggregate debt not payable within one year, whether contracted heretofore or hereafter. The fund thus set apart shall be called the sinking fund and shall be applied to the payment of the debt of the city as it shall become due, and if no part be due or payable it shall be invested in the bonds or certificates of debt of the city or of this state, or of the United States, or of some state of this union; said funds shall, in the hands of the treasurer, as to all questions of investment, purchase, or sale, be subject to the orders and management of the mayor, chairman of the finance committee of the common council, auditor, treasurer, and president of the common council, who together shall compose the sinking fund commissioners.

102. All contracts for the erection or construction of public improvements shall be let to the lowest responsible bidder, and notice shall be given thirty days before the work is finally let by advertisement in one or more newspapers published in said city, and the party to whom said contract shall be let shall give such bond as the council may require; but in no event shall any contract be let to any member of the council, nor shall any member have any interest in said contract; provided, however, that the council may have such work done and public improvements made under its immediate direction in any case involving expenditures of sums not exceeding two hundred dollars, and may employ such superintendents, mechanics, laborers, and teams, and purchase such material as may be necessary therefor; and provided, further, that in any case involving the expenditure of sums over two hundred dollars the council may reject any and all bids, and by three-fourths vote order said work to be done or improvements to be made under its immediate supervision, in the same manner as hereinbefore provided for in the case of work done or improvements made not costing more than two hundred dollars.

103. For the execution of its powers and duties the council may raise taxes annually by assessments in said city on all subjects taxable by the state such sums of money as it shall deem necessary to defray the expenses of the same, and in such manner as it shall deem expedient (in accordance with the laws of this state and of the

United States); provided that no tax on real and personal property in said city shall exceed one dollar and twenty-five cents upon the one hundred dollars assessed value thereof; and provided, also, that no corporation tax shall be levied within the period of twenty years from the third day of February, eighteen hundred and eighty-two, upon machinery, implements, or money used for the equipment of any manufacturing establishment to be operated in said city.

104. The council may levy a tax on gas and water companies, fire insurance companies, life insurance companies, telephone companies, telegraph companies, building and loan associations, express companies, investment companies, auctioneers, theatrical or other like performances or shows; to keepers of billiard tables and ten-pin alleys; to hawkers and peddlers; to agents for the renting or sale of real estate; to commission, wholesale, and retail merchants, and on each and every kind of business or employment, whether carried on by individuals, firms, or corporations (through agents or otherwise), or any person whatsoever doing business in said city, and whether such person, firm, or individual be conducting a business or employment of a character or kind similar to that especially mentioned above or not, and any other business, whether a license may be required therefor by the state or not.

105. Any payment of taxes by the tenant shall be a credit against the person to whom he owes rent.

106. The council may grant or refuse licenses to owners or keepers of wagons, drays, carts, hacks and other wheel carriages kept or employed in the city for hire, and may require the owners thereof using them in the city to take out a license therefor, and may assess a value and require taxes to be paid thereon, and subject the same to such regulations as it may deem proper, and may regulate their charges.

107. All goods and chattels, wheresoever found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust or mortgage on goods and chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed.

108. There shall be a lien on real estate for the city taxes, as assessed thereon from the commencement of the year from which they are assessed. The council may require real estate in the city delinquent for the non-payment of taxes to be sold for said taxes, with interest thereon at the rate of six per centum per annum.

109. The council may vest in the collector of city taxes and assessments and any other collector of sums due the city which it may appoint any or all of the powers which are now or may be hereafter vested in any collector of state taxes, and may prescribe the mode of his proceeding and the mode of proceeding against him for failure to perform his duties. No deed of trust or mortgage on goods or chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed while such goods or chattels remain in the possession of the grantor, nor shall any such deeds prevent the goods and chattels conveyed from being distrained and sold for taxes assessed thereon, no matter in whose possession they may be found. The council may regulate the terms on which

real estate may be sold for taxes or redeemed; provided that all such sales shall be made subject to the prior lien of the commonwealth for taxes; provided, however, that the city taxes and assessments, city licenses, rents, fines, penalties, and other income and revenue of the city for the year eighteen hundred and ninety-five shall be collected in the manner provided by law on the day before this charter takes effect.

110. The council may organize and maintain a fire department for said city, and appoint an engineer, assistants, and other officers, with any and all powers which have been or may be vested by law in such officers; and it may make rules and regulations for the government of the officers and men of said department; may prescribe their respective duties in case of fire or alarms of fire; may fix their pay and may impose reasonable fines for the breach of such regulations; and may make such ordinances as it may deem proper to extinguish and prevent fires, to prevent property from being stolen, and to require citizens to render aid to the fire department in case of need.

111. All bonds, contracts, deeds, and other papers shall be executed by the mayor under the direction of the council, and the seal of the corporation shall be affixed and attested by the city clerk.

112. The said council shall by ordinance provide for any irregular election not herein provided for, and may appoint the necessary officers to conduct the same.

113. Unless otherwise specially provided, the persons holding any of the offices provided for in this act which have heretofore existed under the charter in force immediately before its adoption shall continue to hold the same under the present election or appointment until the term of said office, as therein provided, shall expire, dating the commencement of such term from the time fixed in said former charter; and all laws and ordinances in force immediately before the passage of this act, so far as consistent herewith, and all liabilities, actions, claims, contracts, and prosecutions arising thereunder shall remain and continue as if this act had not passed.

114. All ordinances now in force in said city not inconsistent with this act, the laws of the state, and of the United States shall be and remain in force until altered, amended or repealed by the said council.

115. In every case where this charter creates a new office and in case of any vacancy occurring by death, resignation, removal or otherwise in any office elected by the people, when not otherwise herein provided, the same shall be filled by appointment by the council for the unexpired term, and the appointee so appointed shall hold said office until the end of the term for which his predecessor was elected.

116. In each and every instance where the said city has made contracts, agreements, leases, or entered into any contract, agreement, or other obligation whatsoever, or received bonds or obligations for the performance of any contract, or the completion or maintenance of the same, in which the board of public works of said city was re-

quired to do and perform any specified act for and on behalf of said city, the words city engineer shall be substituted therefor, and all acts performed by him by virtue of such substitution shall be valid and binding upon all parties interested in said contracts, obligations, or bonds, or any other instrument of writing whatever in which the said city is a party as though the office of board of public works remained in force and in fact henceforth.

117. The said city of Roanoke shall make the payments to the county of Roanoke provided for in section one hundred and eighteen of an act to provide a new charter for the city of Roanoke, approved February nineteenth, eighteen hundred and ninety-four.

118. All acts and parts of acts in conflict herewith be, and are hereby, repealed.

119. This act shall be in force from its passage.

CHAP. 534.—An ACT to incorporate the Winchester telephone company.

Approved February 29, 1896.

1. Be it enacted by the general assembly of Virginia, That S. L. Hoover, S. R. Atwell, Bruce Worthington, the Miller supply company, E. M. Stone, together with such persons as may become stockholders, their associates and successors, be, and they are hereby, created and constituted a body corporate by the name of the Winchester telephone company, by which name it shall have perpetual succession, a common seal, may sue and be sued, contract and be contracted with, and shall have all the rights and privileges of a corporation under the general laws of Virginia, including all such rights as by said laws are given to telephone companies and other works of internal improvement, and be subject also to all the rules, regulations and restrictions imposed by the laws of the state in relation to joint stock companies.

2. This company is incorporated for the conduct of the telephone business, and to that end authority is hereby granted to it to erect and maintain all poles, wires, and so forth, that are necessary and proper for the conduct of such a business; to establish all offices, exchanges, and so forth, required for the same; and authority is given to the common council of the city of Winchester to grant exclusive or other rights to said company to erect and maintain such poles, wires, exchanges, offices, and so forth, upon such terms as the said common council may agree upon with the said company, consistent with the general law of the state.

3. The said company shall have power to acquire all estate or easements necessary for the convenient erection and maintenance of its line, offices, and so forth, and for the general conduct of its business, and may erect its poles and wires on and along all public highways, roads, lanes, streets, alleys, and so forth; provided that the consent of the common council of any incorporated city shall

be first obtained for the erection of such poles and wires within its limits; provided that no poles shall be erected upon any county road, public highway, turnpike, roads, lanes, and so forth, until said company shall have justly compensated the abutting land owners for the additional servitude, nor until the consent of the county court of the county in which the telephone line or lines are to run shall have been obtained, which consent shall not be given by said court until printed notice of the intention of said company to apply for the same shall have been posted by said company at the court-house of said county, and at two public places on every mile of road along the proposed telephone line for thirty days; and provided, further, that all such poles and wires shall only be so located along a road or highway as not to interfere with travel along the said roads, turnpikes, streets, alleys, and so forth; provided, further, that the acquiring of such right of way over the public road shall be as now provided by law.

4. The said company may acquire by purchase or lease any of the property or rights of any other telephone company, and may make any contract with any other such company consistent with the general laws of the state.

5. The stock of the said company shall be not less than fifteen hundred dollars, nor more than ten thousand dollars, to be divided into shares of one hundred dollars each, and each share shall be entitled to one vote in every meeting of the stockholders: provided that a person holding more than one share shall be entitled to one vote on the first share, and to one vote for each other three shares of stock so held by him.

6. The officers of the said company shall be a president, a vice-president and a secretary and treasurer, and a board of directors of not less than five persons: provided, however, that the secretary and treasurer may be the same person, and the officers may all be also members of the board of directors.

7. The first meeting of the stockholders shall be held as soon as convenient after the passage of this act, and annually thereafter on the first day of January in each year, and at such other times as the stockholders may be convened by order of the board of directors upon notice to the stockholders, or upon publication of the said notice for at least one week in some newspaper published in Winchester, Virginia.

8. At the first meeting of stockholders the officers and board of directors to serve until January first, eighteen hundred and ninety-seven, shall be elected; and their successors shall be elected annually thereafter at the first meeting in each year; provided that the board of directors and each of the said officers shall serve until their successors are elected.

9. The said company, through its board of directors, shall have power to make by-laws and rules for its government not inconsistent with the laws of the state.

10. All debts or demands due, or to become due, to the state of Virginia, from the said company, shall be paid in currency, and not in coupons.

11. The said company shall begin the construction of its works

within two years of the date of the passage of this act, and complete the same within five years from the same.

12. The general assembly of Virginia reserves the right to alter, amend or repeal this act at pleasure.

13. This act shall be in force from its passage.

CHAP. 535.—An ACT to authorize the Winchester and Potomac railroad company to borrow money, execute mortgages on its property to secure it, to fix the recording tax, and to confirm the existing lease to the Baltimore and Ohio railroad company.

Approved February 29, 1896.

Whereas the Winchester and Potomac railroad company did, for the purpose of adjusting its first mortgage indebtedness, issue certain certificates of indebtedness amounting, to the sum of one hundred and forty-seven thousand two hundred and fifty dollars, to the holders of said first mortgage indebtedness, said certificates of indebtedness being dated July first, eighteen hundred and sixty-seven, and maturing and falling due July first, eighteen hundred and ninety-seven, and secured by an agreement between the Baltimore and Ohio railroad company and the said Winchester and Potomac railroad company, dated the twenty-seventh day of November, eighteen hundred and sixty-seven, and duly recorded in the counties of Jefferson, West Virginia, and of Frederick and Clarke, in Virginia, and by the deposit of said first mortgage bonds, dated July first, eighteen hundred and forty-seven, and secured by deed of trust dated twenty-eighth of September, eighteen hundred and forty-seven; and

Whereas said certificates of indebtedness are about to mature and fall due, and the said Winchester and Potomac railroad company desire to make a loan of a sum sufficient to pay off said certificates of indebtedness and to secure the same by deed of trust upon its roadbed and other properties, or otherwise; therefore,

1. Be it enacted by the general assembly of Virginia, That the president and directors of the Winchester and Potomac railroad company be, and they are hereby, authorized to borrow and effect a loan of money upon such terms and conditions as may be agreed upon, and to issue and sell its bonds for such sums and on such terms and bearing such rate of interest as the said board of directors may deem expedient, and to secure the payment of such bonds by mortgage or deed of trust upon all of its property, franchises, or income, which mortgage or deed of trust as to the bonds secured therein shall have all the rights and priority over the deed of trust of the said Winchester and Potomac railroad company, dated the first day of July, eighteen hundred and eighty-three, to William B. Baker and William L. Clark, trustees, as is provided in said last named deed of trust. And the state taxes upon the recordation of

such mortgage shall be upon the proportion of the debt secured therein as is the property of the said Winchester and Potomac railroad lying in Virginia to that lying in West Virginia, and the action of the Winchester and Potomac railroad company in making and executing to the Baltimore and Ohio railroad company the lease of its said road as now subsisting, bearing date November seventh, eighteen hundred and sixty-seven, and recorded as aforesaid, is hereby approved, confirmed, and ratified, hereby ratifying and confirming all the mutual rights and obligations now existing and provided for by said lease or otherwise.

2. This act shall be in force from its passage.

CHAP. 586.—An ACT to amend and re-enact an act entitled an act to amend and re-enact section 2498 of the code of Virginia, in relation to entering on record payment or satisfaction of certain incumbrances and liens, approved February 27, 1894.

Approved February 29, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to amend and re-enact section twenty-four hundred and ninety-eight of the code of Virginia, in relation to entering on record payment or satisfaction of certain incumbrances and liens, approved February twenty-seventh, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 2498. When payment or satisfaction is made of a debt secured by mortgage, deed of trust, vendor's or mechanic's lien, it shall be the duty of such lien creditor, unless he shall have heretofore delivered a proper release deed, to cause such payment or satisfaction, within ninety days after it is made, to be entered on the margin of the page in the book where such incumbrance is recorded, and for any failure to do so he shall forfeit twenty dollars. Such entry of payment or satisfaction shall be signed by the creditor, his duly authorized agent or attorney, and when so signed and the signature thereto attested by the clerk in whose office such incumbrance is recorded, the same shall operate as a release of the incumbrance as to which such payment or satisfaction is entered. Any person who owns or has an interest in real estate on which such incumbrance exists may, after twenty days' notice thereof to the person entitled to such incumbrance, apply to the county or corporation court of the county or corporation in whose clerk's office such incumbrance is recorded, or to the chancery court of the city of Richmond, if it be recorded in the clerk's office of said court, to have the same released or discharged, and upon proof that it has been paid or discharged, such court shall order the same to be entered by the clerk on the margin of the page in the book wherein the incumbrance is recorded, which entry when so made shall operate as a release of such incumbrance, and the clerk's fee for so releasing on the margin of

the page in the book wherein the incumbrance is recorded shall be twenty-five cents.

2. All acts and parts of acts, as far as they are in conflict with this act, are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 537.—An ACT to amend and re-enact section 8 of an act entitled an act to provide for working and keeping in repair the roads and bridges in Nansemond county, approved March 3, 1894.

Approved February 29, 1896.

1. Be it enacted by the general assembly of Virginia, That section eight of an act entitled an act to provide for working and keeping in repair the roads and bridges in Nansemond county be amended and re-enacted so as to read as follows:

§ 8. The board of supervisors of the county shall levy and appropriate for general road purposes under this act the capitation tax of fifty cents on every male citizen in the county over twenty-one years of age, as allowed under the constitution, and they shall also levy in addition to the capitation tax a tax on property, real and personal, assessed for taxation in the county, to be applied, with said capitation tax, to the working, keeping in order, and repairing the public roads and bridges and the compensation of the officers appointed under this act. Such tax on real and personal property shall not exceed twenty cents on every one hundred dollars in the value of such property, and such tax, together with the capitation tax, shall be collected, accounted for, and applied as road funds under this act, except that the taxes collected from each magisterial district shall be kept separate by the county treasurer; provided that the tax levied on real and personal property in the town of Suffolk shall be at such a rate as the council of said town shall request, not to exceed ten cents on the one hundred dollars of the assessed value of such property, and that such tax and capitation tax levied in said town shall be collected by the treasurer of said town and expended under the direction of said council on the public roads within one mile from the corporate limits of said town.

2. This act shall be in force from its passage.

CHAP. 538.—An ACT to amend and re-enact section 3890 of the code of Virginia, in relation to offences committed without and made punishable within the state where prosecuted, and making liable to punishment persons committing robbery beyond the state and bringing the stolen property within the same.

Approved February 29, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-eight hundred and ninety of the code of Virginia, be amended and re-enacted so as to read as follows:

§ 3890. Offences committed without and made punishable within the state, where prosecuted. Prosecution for offences committed wholly or in part without and made punishable within this state may be in any county or corporation in which the offender is found or to which he is sent by any judge, justice, or court; and if any person shall commit larceny or robbery beyond the jurisdiction of this state and bring the stolen property into the same, he shall be liable to prosecution and punishment for his offence in any county or corporation in which he may be found as if the same had been wholly committed therein.

2. This act shall be in force from its passage.

CHAP. 539.—An ACT to prevent pool selling, and so forth, upon the results of any trials of speed of any animals or beasts taking place without the limits of the commonwealth.

Approved February 29, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person or persons, or association of persons, corporation or corporations by any ways, means, or devices to make any bet or wager, or receive or record or register, or forward or purport or pretend to forward any money, thing, or consideration of value to be bet or wagered upon the result of any trial of speed or power of endurance or skill of animals or beasts which is to take place beyond the limits of this commonwealth, or by any ways, means, or devices to aid, assist, or abet in the making of any bet or wager, or the receiving, recording, or registering, or forwarding or purporting or pretending to forward any money, thing, or consideration of value to be bet or wagered upon the result of any trial of speed or power of endurance or skill of animals or beasts which is to take place beyond the limits of this commonwealth, or to aid or assist or abet in any way or in any manner in any of the acts forbidden by this act.

2. That any person or persons or association of persons or corporation or corporations violating the provisions of this act shall be fined not less than two hundred nor more than five hundred dollars, and be imprisoned not less than thirty nor more than ninety days.

3. This act shall be in force from its passage.

CHAP. 540.—An ACT for the relief of J. H. Hickey and H. F. Jackson.

Approved February 29, 1896.

Whereas by an act approved January first, eighteen hundred and ninety, certain qualifications were imposed upon persons wishing to practice dentistry in the state of Virginia; and

Whereas the said act further provides that persons who shall be engaged in the practice of dentistry in the commonwealth of Virginia on the first day of January, eighteen hundred and ninety, and who shall comply with the requirements of section seventeen hundred and seventy-four of that act, shall be otherwise exempt from the provisions of said act; and

Whereas J. H. Hickey and H. F. Jackson were practical dentists and residents of Virginia on the first day of January, eighteen hundred and ninety, but not in active practice at that time; therefore,

1. Be it enacted by the general assembly of Virginia, That the said J. H. Hickey and H. F. Jackson be, and are hereby, granted the same rights and privileges as those in active practice on the first day of January, eighteen hundred and ninety, subject to the requirements of section seventeen hundred and seventy-four as aforesaid of said act.

2. This act shall be in force from its passage.

CHAP. 541.—An ACT to amend and re-enact section 36 of an act entitled an act to provide for the assessment of taxes, etc., for the support of government, approved March 6, 1890, as to sale by agents, and add thereto.

Approved February 29, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-six of the acts of assembly of Virginia entitled an act to provide for the assessment of taxes on persons, property and incomes, and on licenses to transact business, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and prescribing the mode of obtaining licenses to sell wine, ardent spirits, malt liquors or any mixture thereof, in cases where a court certificate is required, approved March sixth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 36. No person shall, without a license authorized by law, act as agent for the sale of lands, or act as book agent, or as agent to sell or to offer for sale fertilizers, whether manufactured in this state or not, or take orders for such fertilizers on commission or otherwise; provided, however, that any merchant engaged in the publishing and printing business in this state who has paid the license tax imposed by law, and who has been assessed upon the capital employed under

schedule C of this act, under said license tax and without additional license, may sell their merchandise throughout the state.

2. This act shall be in force from its passage.

CHAP. 542.—An ACT for the relief of John H. Remine, a dentist of Washington county, Virginia.

Approved February 29, 1896.

Whereas by an act approved January first, eighteen hundred and ninety, certain qualifications were imposed upon persons wishing to practice dentistry in the state of Virginia; and

Whereas the said act further provides that persons who shall be engaged in the practice of dentistry in the commonwealth of Virginia on the first day of January, eighteen hundred and ninety, and who shall comply with the requirements of section seventeen hundred and seventy-four of that act, shall be otherwise exempt from the provisions of said act; and

Whereas John H. Remine was a practical dentist and a resident of Virginia on the first day of January, eighteen hundred and ninety, but not in active practice at that time; therefore,

1. Be it enacted by the general assembly of Virginia, That the said John H. Remine be, and is hereby, granted the same rights and privileges as those in actual practice on the first day of January, eighteen hundred and ninety, subject to the requirements of section seventeen hundred and seventy-four as aforesaid of said act.

2. This act shall be in force from its passage.

CHAP. 543.—An ACT for the relief of W. P. McGinnis, a dentist of Grayson county.

Approved February 29, 1896.

Whereas by an act approved January first, eighteen hundred and ninety, certain qualifications were imposed upon persons wishing to practice dentistry in the state of Virginia; and

Whereas the said act further provides that persons who shall be engaged in the practice of dentistry in the commonwealth on the first day of January, eighteen hundred and ninety, and who shall comply with the requirements of section seventeen hundred and seventy-four of that act, shall be otherwise exempt from the provisions of said act; and

Whereas W. P. McGinnis was a practical dentist at that time, and had practiced his profession in this state for several years previous to the first day of January, eighteen hundred and ninety, and was

temporarily out of this state on that date, but shortly thereafter returned to this state and continued his practice; therefore,

1. Be it enacted by the general assembly of Virginia, That the said W. P. McGinnis be, and he is hereby, granted the same rights and privileges as those in actual practice in the state on the first day of January, eighteen hundred and ninety, subject to the requirements of section seventeen hundred and seventy-four as aforesaid of said act and amendments thereof.

2. This act shall be in force from its passage.

CHAP. 544.—An ACT to refund to Gilbert J. Hunt the sum of fourteen dollars and thirty-five cents erroneously paid by him on church property in the city of Richmond.

Approved February 29, 1896.

Whereas the Asbury Methodist Episcopal church, south, purchased in November, eighteen hundred and ninety-four, a plot of ground on which to erect a church building from Gilbert J. Hunt; and

Whereas the said land was not conveyed to the trustees of the said church until May, eighteen hundred and ninety-five, because of certain corrections in the title, and therefore was not transferred on the books of the commissioner of the revenue for the city of Richmond; and

Whereas the said Gilbert J. Hunt has paid into the public treasury the sum of fourteen dollars and thirty-five cents on the said church property for the year eighteen hundred and ninety-five, when the said property was exempt under section four hundred and fifty-seven of the code of Virginia; and

Whereas the said Gilbert J. Hunt has required the said church to pay the sum of fourteen dollars and thirty-five cents to him: therefore,

1. Be it enacted by the general assembly of Virginia, That the said sum of fourteen dollars and thirty-five cents be refunded to the said Gilbert J. Hunt, and upon presentation of the tax ticket receipted the auditor of public accounts is hereby directed to draw an order in favor of the said Gilbert J. Hunt for said sum.

2. This act shall be in force from its passage.

CHAP. 545.—An ACT to prevent gambling and selling or making books, pools or mutuels within the commonwealth of Virginia.

Approved February 29, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall

be unlawful for any person or persons, or association of persons, corporation or corporations to occupy any ground or room, shed, booth, tent, tenement, or building, or any part thereof, erected on the grounds of any agricultutural association, grange association, base-ball park, driving or riding club or association, public or private parks, or elsewhere within the limits of this commonwealth, with books, apparatus or paraphernalia for the purpose of recording bets or wagers, or of selling or making books, pools or mutuals upon the result of any game of baseball, football, or the trial of speed or power of endurance of any animal or beast, or being the owner, lessee, or occupant of any room, shed, booth, tent, tenement, building or grounds, or part thereof, knowingly to permit the same to be used for making bets on any game or games of base-ball, foot-ball, or trial of speed or power of endurance of any animal or beast, or therein or thereon, to keep, exhibit, or employ, or permit to be kept, exhibited, or employed any device or apparatus for the purpose of recording or registering such bets or wagers or the selling or making of such books, pools or mutuals, or to become the custodian or depository for gain, hire or reward of any money, property or thing of value, bet or wagered, or to be wagered or bet, contrary to the provisions of this act, or to receive, register, record, forward or purport or pretend to forward to or for any race-course, any money, thing or consideration of value offered for the purpose of being bet or wagered upon the speed or power of endurance of any animal or beast, or for any person or persons to occupy any place, building or grounds, or part thereof, with books, paper, apparatus or paraphernalia for the purpose of receiving, recording or registering any bets or wagers, or to aid, assist or abet in any manner whatsoever in any of the acts forbidden by this statute.

2. That nothing in this act shall be construed to prevent agricultural associations and riding and driving clubs or associations offering a purse or premium at such trials of speed of animals or beasts as may be held by them.

3. That any person or persons, or association of persons, corporation or corporations violating the provisions of this act shall, on conviction thereof, be fined not less than one hundred dollars nor more than one thousand dollars, one-half of which shall be paid to the informer, and be imprisoned not less than six months nor more than one year in jail.

4. All acts or parts of acts inconsistent with this act are hereby repealed.

5. This act shall be in force from its passage.

CHAP. 546.—An ACT to fix the salary of the judge of the counties of Elizabeth City and Warwick, as judge of the county court of the said county of Warwick, and to provide for the payment of the same.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That for

his services as judge of the county court of Warwick county, the judge of the district composed of the counties of Elizabeth City and Warwick shall receive a salary of four hundred dollars, annually, and the board of supervisors of the said county of Warwick shall pay to the said judge the said salary of four hundred dollars, annually, in the manner provided by law.

2. That the act entitled "an act to authorize the board of supervisors of Warwick county to increase the salary of the county judge of that county," approved March first, eighteen hundred and ninety-four, and all acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 547.—An ACT to repeal chapter 73 of acts of general assembly of Virginia, approved January 23, 1894, concerning the salary of the board of supervisors of Warwick county.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That chapter seventy-three of the acts of the general assembly of Virginia of eighteen hundred and ninety-three and ninety-four, entitled an act to fix the salary of the board of supervisors of Warwick county, approved January twenty-third, eighteen hundred and ninety-four, be, and the same is hereby, repealed.

2. This act shall be in force from the first day of September, eighteen hundred and ninety-six.

CHAP. 548.—An ACT to allow George W. Glenn to erect a pier in Pocomoke sound, in Accomac county.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That George W. Glenn, of Sykes island, in the county of Accomac, is hereby authorized and permitted to erect a pier one hundred feet long by fifty feet in width near the southwest end of said island; said pier to be built four hundred yards from the main land or shore and extending fifty feet in to the channel of Pocomoke sound; subject to all the laws of the state governing all wharves and piers erected on the waters of the commonwealth; and provided, also, that this act shall at all times be under the control of the general assembly and be amended or repealed as may be deemed proper.

2. This act shall be in force from its passage.

CHAP. 549.—An ACT to amend and re-enact section 1 of an act authorizing the board of supervisors of each county in the state to levy a tax on dogs and to enforce collection of said tax with certain penalties in case of failure to pay the same, approved March 5, 1894, and to add an independent section.

Approved February 27, 1896.

1. Be it enacted by the general assembly of Virginia, That section one of an act authorizing the board of supervisors of each county in the state to levy a tax on dogs, and to enforce the collection of said tax, with certain penalties in case of failure to pay the same, approved March fifth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows :

§1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the several different counties of this state, except the counties of Campbell, Princess Anne, Southampton, Isle of Wight, Hanover, Smyth, Montgomery, Lunenburg, Henry, Alleghany, Essex, Amherst, Louisa, Roanoke, Craig, Franklin, Scott, Wise, Dickenson, Tazewell, Middlesex, Fauquier, Buchanan, Carroll, King and Queen, Washington, Floyd, Albemarle, Nansemond, Wythe, Orange, Sussex, Goochland, Fluvanna, Halifax, Caroline, Rockbridge, Rockingham, Greenvsille, Spotsylvania, Charles City, York, Madison, Henrico, James City, Warwick, King George, Patrick, Charlotte, Lee, Greene, Stafford, Norfolk, Rappahannock, and Grayson, be, and they are hereby, authorized to levy a tax on all dogs in their respective counties ; such tax not to exceed one dollar on each male and two dollars on each female dog over four months of age.

2. Nothing in this act shall interfere with or prevent the collection of the dog tax already levied for the year eighteen hundred and ninety-five in any of the above counties, and nothing in this act shall apply to counties having a special law providing for taxing dogs.

3. All acts or parts of acts inconsistent with this act are hereby repealed.

4. This act shall be in force from its passage.

CHAP. 550.—An ACT to release the land of Peter McLaren, in Bath county, from the payment of taxes and levies illegally assessed thereon for the years 1890, 1892, 1893, 1894, and 1895.

Approved February 27, 1896.

Whereas taxes and levies for the years eighteen hundred and ninety, eighteen hundred and ninety-two, eighteen hundred and ninety-three, eighteen hundred and ninety-four, and eighteen hundred and ninety-five have been assessed in the name of George F. Gordon on a tract of four thousand two hundred and ten acres, sometimes mentioned as four thousand one hundred and sixty acres, situated near Bath Alum springs, in Bath county; and whereas the

said land is also assessed for each of the said years in the name of Peter McLaren, the owner thereof, as a part of his land; and whereas the taxes and levies on said land for each of said years have been paid by said McLaren; therefore,

1. Be it enacted by the general assembly of Virginia, That the said tract of land of four thousand two hundred and ten acres, sometimes described as four thousand one hundred and sixty acres, situated near Bath Alum springs, in Bath county, be, and the same is hereby, released from the payment of all taxes and levies assessed on it for the years eighteen hundred and ninety, eighteen hundred and ninety-two, eighteen hundred and ninety-three, eighteen hundred and ninety-four, and eighteen hundred and ninety-five, in the name of George F. Gordon, and the commissioner of the revenue of the district in which said land is assessed against George F. Gordon is authorized to drop the same from his books.

2. This act shall be in force from its passage.

CHAP. 551.—An ACT to amend and re-enact section 1 of chapter 83 of the acts of 1889 and 1890, in relation to the control of prisoners in jail.

Approved February 28, 1896.

1. Be it enacted by the general assembly of Virginia, That section first of chapter eighty-three of the acts of eighteen hundred and eighty-nine and eighteen hundred and ninety, be amended and re-enacted so as to read as follows: It shall be unlawful for any person other than the officers of the law in charge of the prisoners, the council of the prisoner, or such other persons as may be authorized by the court in whose custody said prisoner may be, to hold any communication, by word, sign, or writing, with said prisoner or prisoners confined in any jail in the commonwealth of Virginia, except in the presence of the sheriff or his deputies, or of the jailer regularly in charge of said prisoner or prisoners, and any person violating or attempting to violate this act, or any sheriff, deputy, or other person in charge of said prisoner or prisoners, knowingly allowing any violation of the same, shall be guilty of a misdemeanor, and upon conviction thereof fined not less than five nor more than fifty dollars.

2. This act shall be in force from its passage.

CHAP. 552.—An ACT to prescribe the time for holding the circuit courts in the fourth judicial circuit since the addition thereto of the city of Lynchburg and county of Campbell, as provided by an act approved February 5, 1896.

Approved February 28, 1896.

1. Be it enacted by the general assembly of Virginia, That the several cities and counties composing the fourth judicial circuit shall commence as follows in each year: City of Danville, on the fifteenth of January and twenty-fifth of May; city of Lynchburg, on the tenth of April and fifteenth of November; county of Campbell, on the twentieth of March and fifth of November; county of Halifax, on the first of April and first of September; county of Pittsylvania, on the twenty-fifth of April and thirtieth of November; county of Franklin, on the tenth of May and twentieth of October; county of Henry, on the fifth of June and tenth of October; county of Patrick, on the fifteenth of June and first of October.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 553.—An ACT to amend and re-enact sections 4, 5 and 8 of an act approved February 1, 1894, entitled an act to provide for working the roads in Northampton county, approved March 2, 1892, as amended by an act approved February 23, 1894.

Approved February 28, 1896.

1. Be it enacted by the general assembly of Virginia, That sections four, five and eight of an act approved February first, eighteen hundred and ninety-four, entitled an act to amend an act to provide for working the roads in Northampton county, approved March second, eighteen hundred and ninety-two, as amended by an act approved February twenty-third, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 4. It shall be the duty of the board of supervisors of said county to meet at the court-house of said county on the second Monday in March, eighteen hundred and ninety-six, and annually thereafter on the second Monday in January, and make an estimate of all expenses under this act for the ensuing year. They shall determine what compensation shall be paid to the said superintendent and for what time, and may fix such compensation at one rate for one month and at a different rate for different months, so that such compensation shall be by the hour and not at any time exceed the rate of thirty cents for each hour of actual work, which shall not include going or returning from such work, and any superintendent appointed under this act shall be paid the amount so fixed by the board of supervisors, but during the time the said board shall order the suspension

of operations under this act the said superintendent shall receive no compensation.

§ 5. The board of supervisors of said county shall purchase not less than eight mules or horses, unless the same have already been purchased, to work upon the said roads of said county. The said board of supervisors shall also purchase or cause to be purchased a sufficient quantity of tiling necessary to drain said roads so as to lead the water from any side of the road on which it may be held or ponded to the other side, if that be drained by ditch or otherwise. The said board of supervisors of said county shall purchase two road scrapers and one stump puller to be used by said superintendent, and shall instruct him to scrape the roads whenever it may be deemed advisable to do so. The said board of supervisors shall also purchase all necessary plows, hoes, axes and one or more road machines, together with all other implements which may be needed for working the said roads by the said superintendent and which may not have been already purchased.

§ 8. It shall be the duty of the board of supervisors of said county, at their annual meeting in the month of July, eighteen hundred and ninety-six, and eighteen hundred and ninety-seven, to levy a tax of fifteen cents, and annually thereafter a tax of not less than ten cents nor more than fifteen cents on every one hundred dollars in value of the property, real, personal, or mixed, assessed in said county for purposes of state taxation, also on all the real and personal property of telegraph and telephone companies and railroad companies and their telegraph lines which pass through said county, based upon the assessment per mile made by the state for its purposes and furnished by the auditor of public accounts to the board of supervisors of said county, to be collected in the same manner as state and county taxes, which shall be applied to the expenses under this act. All property in said county liable to taxation for state purposes shall be liable to taxation under this act.

2. This act shall be in force from its passage.

CHAP. 554.—An ACT to incorporate the Falls Church, Fairfax and Manassas railway company.

Approved February 28, 1896.

1. Be it enacted by the general assembly of Virginia, That J. E. Willard, J. M. Love, R. W. Moore, Job Hauxhurst, I. W. Richardson, and W. P. Moncure, of the state of Virginia, and such other persons as they may associate with them, and their successors and assigns, are hereby constituted a body politic and corporate in the name and style of the Falls Church, Fairfax and Manassas railway company, for the purpose of constructing, equipping, and operating, either by steam or electricity, a railroad from the town of Falls Church to the town of Fairfax, and thence to the town of Manassas.

2. The capital stock of the company shall not be less than five thousand dollars nor more than fifty thousand dollars, and the par value of each share thereof shall be one hundred dollars. Subscriptions thereto shall be received under and according to such regulations as the board of directors may see fit to make, and in payment of subscriptions there may be taken labor, material, and property of any description, as well as money, and it shall be lawful for said company to hold all land so acquired, subject, of course, to the general laws of the state.

3. The persons named in the first section hereof shall constitute the company's board of directors for the first two years after the passage of this act, and shall, as soon as may be, meet and select from their number or other persons a president, secretary, and treasurer, and such other officers as may be deemed necessary, and the said board shall from time to time make such regulations as may be needful for receiving subscriptions to the stock of the company, and shall have the right to fill all vacancies. Upon the subscription of the minimum capital stock and the payment of two per centum thereof, the said company shall be considered fully organized, and the board of directors shall adopt all by-laws necessary to protect the interests of the company and take such further action as its business may require.

4. The board of directors for the first two years after the passage of this act shall exercise all of the powers of the company and do whatever might be authorized by the stockholders; but there shall be a general meeting of stockholders as soon as is practicable after the expiration of the said period, on such date and at such place as may be designated by the board of directors, or, in default of such designation, as may be designated in a call of stockholders holding together one-tenth of the capital stock, such call to be published once a week for four consecutive weeks in some newspaper printed in one of the aforesaid counties. At the meeting of the stockholders to be so convened a new board of directors shall be elected, provision shall be made for the election of other officers, and such changes made in the by-laws as may be thought advisable. There shall be such other meetings of stockholders as the by-laws may require.

5. The company shall have power to borrow money, and to that end to issue bonds and secure the payment of the same by deed of trust or mortgage on any or all of its property and franchises, including its rights to be a company. It shall have power to lease its property and franchises, and to improve and sell its real estate.

6. The company shall have power to connect or unite its railroad with the line of any other railroad now or hereafter to be built; to consolidate or merge its stock, property, and franchises, including its right to be a company, with that of any other corporation, and to subscribe to the stock of any other corporation.

7. The company shall commence the construction of its railroad within two years and complete the construction of its main line within five years from the approval of this act.

8. The general assembly reserves the right to amend or repeal this act at any time hereafter.

9. All taxes due the state shall be paid in lawful money, and not in coupons.

10. This act shall be in force from its passage.

CHAP. 555.—An ACT for the protection of sheep, hogs and turkeys in the counties of King William and New Kent by making the owner of dogs that kill, maim or worry the same liable for damages.

Approved February 28, 1896.

1. Be it enacted by the general assembly of Virginia, That when any sheep, hog or turkey is killed, maimed or worried by any dog in the counties of King William and New Kent, the owner or other person in whose possession or under whose control the said dog is at the time of such killing, maiming or worrying, shall be liable, jointly and severally, to pay to the owner of said sheep, hog or turkey so killed, maimed or worried, damages therefor, to be recovered by the usual legal remedies; provided, however, that the said damages shall not exceed the assessed value of said sheep, hog or turkey.

2. This act shall be in force from its passage.

CHAP. 556.—An ACT to authorize the qualified voters of Alexandria county to vote on the question of the removal of the court-house from Alexandria city to some point within Alexandria county.

Approved February 29, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the board of supervisors of Alexandria county, at its first regular meeting occurring ten days after the passage of this act, to give public notice of a special meeting of said board, to be held not less than ten days nor more than fifteen days thereafter, at which meeting the said board shall hear arguments and suggestions in favor of any site or sites for the location of a county-seat, and the said board shall at its next regular meeting proceed to nominate the three locations which in its judgment are best suited for the location of the county-seat.

2 That it shall be the duty of officers charged with conducting elections in the county of Alexandria to hold an election on the fourth Thursday in May, eighteen hundred and ninety-six, for the purpose of taking the sense of the qualified voters of the said county upon the question of removing the location of the county court-house of said county from Alexandria city to some one of the sites in the county, so as aforesaid selected by the board of supervisors.

A separate ballot-box shall be provided at each voting precinct, in

which shall be deposited the ballots of the then qualified voters who shall desire to vote on the question of the said change of location. The said ballots shall be for Alexandria or for one of the places so as aforesaid selected by the board of supervisors; and that location receiving a plurality of votes shall be selected as the future location of the county court-house: provided that should the city of Alexandria receive a plurality of votes, then no further action shall be taken under this act, but the same shall be null and void and of no effect.

3. The manner of receiving and canvassing the ballots cast at the said election, and of making return thereof, shall conform to the general election law of the state so far as applicable thereto. The certificate of the judges of election shall be in the following form, or equivalent thereto:

We hereby certify that at the election held this twenty-eighth day of May, eighteen hundred and ninety-six, for the precinct of _____, on the question of the change of location of the court-house of Alexandria county,

votes were cast for
votes were cast for
votes were cast for
votes were cast for

G. H., }
J. K., } Clerks.

A. B., }
C. D., } Judges.
E. F., }

The commissioners of election shall canvass the returns according to law, and shall make an abstract showing the number of votes for each of the several locations, and that location securing a plurality of the votes cast shall be the place of holding the courts of the said county and for conducting all the other business of said county, usually conducted at a court-house, as soon as suitable county buildings are erected thereon and the same are accepted by the commissioners hereinafter named.

The said commissioners shall have plans and specifications prepared for a court-house, clerks' offices and jail, and shall receive sealed proposals to donate suitable building sites and money for said buildings.

4. The following persons shall constitute a commission to carry out the provisions of this bill, to-wit: Each of the supervisors of the said county, also Alonzo G. Hayes, A. W. Cathcart, George O. Wunder, Robert Walker, W. H. Hatch, and Frank Hume, or such of them as may then be living, and shall accept the trusts and duties imposed by this bill. They shall meet on the tenth day of June, eighteen hundred and ninety-six, and after being duly sworn to perform their said duties solely with reference to the best interests of the county, shall organize by choosing a chairman and secretary, and shall then examine the various building sites offered in that location which may have been previously selected by vote, as hereinbefore provided for, and select from them the site, in their judgment, most suitable for county buildings; which site aforesaid shall be conveyed to the

county by conveyance to be approved by the commonwealth's attorney. Should, in the judgment of the commission, no suitable building site be granted free to the said commission, they shall proceed to acquire, by purchase or condemnation, such land as may be needed for the erection of said buildings and necessary land adjacent thereto, and the board of supervisors shall cause the same to be paid for out of the county funds.

5. That upon the selection of the building site, as hereinbefore provided for, the board of supervisors shall, without delay, proceed to have determined the county's interest in the court-house and jail properties in Alexandria city, and have the same sold, reserving, however, to the county the right to use and occupy the same for the period of one year from the date of the ratification of sale and conveyance thereof.

6. That upon the sale of the county's interest in said buildings and grounds, as hereinbefore provided for, the said commission shall as speedily as possible decide on plans and specifications, which specifications shall embrace walls of brick or stone and fire-proof clerks' offices.

After agreeing upon the plans and specifications they shall let out to the lowest responsible bidder the building of the said court-house, clerk's offices, and jail, the cost thereof, however, not to exceed the sum of twenty thousand dollars, including any sums that may be received as a bonus.

The erection of said buildings shall be completed within nine months from the letting of said contract.

When the said buildings are completed the commission aforesaid shall assemble, and so soon as they determine that the buildings aforesaid have been erected in substantial accordance with the plans and specification agreed on, they shall receive the same on behalf of the county, and the record of their action shall be filed in the office of the county clerk of the county.

7. To further carry out the provisions of this act, it shall be the duty of the board of supervisors of the said county of Alexandria to levy a special tax, not to exceed in any one year ten cents on the one hundred dollars of real and personal property in said county, the first levy hereunder to be made at the first meeting of said board after the result shall be announced in favor of removal, but not otherwise; and the said board is authorized to issue bonds of the said county in a sum not to exceed twelve thousand dollars, which said bonds shall be in denominations of one hundred dollars, and shall be redeemable in ten years from date, with interest at the rate of six per centum per annum, and shall be sold after due notice to the highest bidders, but shall not be sold for less than their par value. The moneys derived from the sale of said bonds and the court-house and jail properties shall be delivered to the custody of the county treasurer and disbursed by him only upon the order of the commission herein provided for; and he shall receive for his services in holding and disbursing said moneys one per centum of the principal thereof, and no more or other charge shall be made by him against the same; and all moneys so derived but not used in

the manner herein indicated shall be covered into the county fund. The board of supervisors of said county are hereby empowered to carry into full effect all provisions of this act which are not otherwise specially provided for.

8. This act shall be in force from its passage.

CHAP. 557.—An ACT to authorize and empower the city of Danville, Va., to extend its water main and pipes to the Danville military institute, in Pittsylvania county, Va., and supply the same with city water.

Approved February 29, 1896.

1. Be it enacted by the general assembly, That it shall be lawful for the city of Danville to extend the water main and pipes of said city from the corporation line to the Danville military institute buildings and grounds, in Pittsylvania county, Virginia, and furnish water to said institute and other parties living adjacent to the line of said water main so extended, upon such terms and subject to such restrictions as the council of said city may prescribe.

2. That the council of said city shall have the same rights to contract with the owners of land for the privilege of extending said main and putting down said pipes over the same, or may, by proper action, condemn the same as provided in the charter of said city for condemning lands in the city of Danville for like purposes.

3. This act shall be in force from its passage.

CHAP. 558.—An ACT to authorize the county of Madison to subscribe to the stock of the Madison and Orange railroad company on certain conditions.

Approved February 29, 1896.

1. Be it enacted by the general assembly of Virginia, That the judge of the county court of Madison county in term time or in vacation shall, on application of the Madison and Orange railroad company by its president, or any two of its directors, at any time within two years from the passage of this act, stating the amount of the subscription asked for, make an order requiring the sheriff at a time designated in said order not less than thirty days from the date thereof, to open polls and take the sense of the voters of the said county on the question whether the said county shall subscribe to the stock of the Madison and Orange railroad company to an amount not exceeding fifty thousand dollars for the said county in bonds of the said county, bearing interest at six per centum and to be paid in the manner now provided by law for the payment of such subscription, the principal of said bonds to be due in thirty years;

but the said subscription is subject to the condition that such bonds shall be delivered to said company in proportion, as near as may be, as sections of five miles of said road are constructed and completed with rails thereon, the same having been certified by a commission appointed by the county court of said county, the compensation of the commission to be fixed by the court, but paid by the company, or otherwise; the said county subscription shall be due and payable as may be agreed upon between the board of supervisors of said county and the board of directors of said company. There shall be attached to said bonds coupons for the interest aforesaid, which shall be receivable at the office of the treasurer of the said county in payment of all taxes and county levies due said county by the bearer on and after the date of maturity of the coupons.

2. The said election shall be conducted, and the ballots cast there at shall be counted, returned and canvassed in the manner prescribed in section twelve hundred and forty-four of the code of Virginia.

3. If it shall appear by the report of the board of commissioners appointed to count the said ballots, that three-fifths of the qualified voters of the said county voting upon the question are in favor of the subscription, and that said three-fifths includes a majority of the votes cast by the freeholders at such election, the said county court shall at its next session enter of record an order requiring the supervisors of said county to attend on a day and at a place named in the order to carry out the wishes of the voters as expressed at said election.

4. This act shall be in force from its passage.

CHAP. 559.—An ACT to amend and re-enact sections 15 and 16 of an act entitled an act to incorporate the town of South Boston, in the county of Halifax, approved January 30, 1888.

Approved February 29, 1896.

1. Be it enacted by the general assembly of Virginia, That sections fifteen and sixteen of an act entitled an act to incorporate the town of South Boston, in the county of Halifax, be amended and re-enacted so as to read as follows:

§ 15. The council of the said town is hereby invested with the power and charged with the duty of taking care of the poor within the limits of the said town; and the said council and the board of supervisors of Halifax county are authorized and empowered to contract, on such terms as may be equitable and just, for the removal to and for their care and support at the poor-house of said county of such poor persons as may become a charge upon said town.

§ 16. No citizen of said town shall be required to work on the public roads, nor shall the property within the limits of said town be assessed with any tax or levy for keeping the public roads in order

or for any poor rates or school taxes except such as are levied by the state or by the council of said town : provided, however, that nothing in this act contained shall be construed to exempt the inhabitants of or property within the said town from any other county levy or tax levied or that may be levied in the said county of Halifax, but the same shall be liable to all other county levies and taxes in the same manner as if this act had not been passed ; and it is further provided that the amount of the county levy for which the citizens of the town of South Boston and the property within said town may be liable shall be ascertained each year by the council of the said town and the board of supervisors of Halifax county, and shall be levied by the council of the said town as other taxes are levied, and collected as other taxes, and the amount paid by the treasurer of the said town to the treasurer of the said county.

2. This act shall be in force from its passage.

CHAP. 560.—An ACT for the relief of William E. Teasley, dentist.

Approved February 29, 1896.

Whereas William E. Teasley is a regular graduate of the Baltimore college of dental surgery ; and

Whereas William E. Teasley had engaged as an actual practitioner of the dental profession prior to the dental laws of the Virginia assembly of eighteen hundred and ninety-three and ninety-four, but failed to duly register as required by said dental laws ; therefore,

1. Be it enacted by the general assembly of Virginia, That the said William E. Teasley be, and he is hereby, granted the privilege to practice dentistry in the state of Virginia.

2. This act shall be in force from its passage.

CHAP. 561.—An ACT for the relief of Wm. Henry Harrison Cawood.

Approved February 27, 1896.

Whereas William Henry Harrison Cawood of King George county, discovered in said county, the skeleton of a man in an iron encasement ; and whereas such may be of historical value, if placed on exhibition in this commonwealth, as one of the curiosities of the early colonial period ; and it appearing that said Cawood is a man of extremely limited means and is unable pecuniarily to exhibit this valuable relic of the mode of punishment imposed by colonial courts under English laws : therefore,

1. Be it enacted by the general assembly of Virginia, That said William Henry Harrison Cawood, be, and he is hereby permitted to

place the said curiosity and relic upon exhibition in any county, city or town in this state, without the payment to any authority of a license tax.

2. This act shall be in force from its passage.

CHAP. 562.—AN ACT to extend the limits of the city of Danville so as to embrace the town of Neapolis, in Pittsylvania county, Virginia, and to annex and unite said city and said town in one city under the name of "City of Danville," and to amend and re-enact section 1 of chapter 1, sections 2 and 3 of chapter 3, sections 1 and 2 of chapter 4, and section 5 of chapter 5 of an act entitled an act to incorporate the city of Danville, approved February 17, 1890.

Approved March 2, 1896.

Whereas at an election held in each the city of Danville and town of Neapolis, on the twentieth day of February, eighteen hundred and ninety-six, in pursuance of an act of the general assembly of Virginia, entitled "An act to authorize a vote in the city of Danville and town of Neapolis upon the question of annexing and uniting said city and said town in one city" under the name of city of Danville, approved twenty-first of January, eighteen hundred and ninety-six, it was determined to annex and unite said city and said town in one city, upon the plan and terms in said act mentioned; now, therefore, to carry into effect the intent and purposes of said act, and the wishes of the people of both said city and said town, as expressed at said election:

1. Be it enacted by the general assembly of Virginia, That chapter one and sections two and three of chapter three, sections one and two of chapter four, and section five of chapter five of an act entitled "An act to incorporate the city of Danville," approved seventeenth day of February, one thousand eight hundred and ninety, be amended and re-enacted so as to read as follows:

CHAPTER I.

§ 1. That the boundaries of the city of Danville, as defined by the act approved twenty-eighth January, eighteen hundred and sixty-seven, entitled "An act to extend the limits of the town of Danville," and the act entitled "An act to incorporate the city of Danville," approved seventeenth February, eighteen hundred and ninety, be extended so as to annex to the said city and embrace within its limits the town of Neapolis, adding to and including in said city the following described territory and the inhabitants thereof, namely: Beginning in the present boundary line of said city at a point fifty feet from the ordinary shore line of the right bank of Dan river, on the line of the upper side of the dam across said river above the upper bridge, usually called the Union street bridge; thence in a northerly direction across said river with the upper side of said dam and with the face of the bulk-head thereof to the road leading from

the Union street bridge to the Henry county road; thence along the western side thereof to the said Henry county road, crossing same and with the northern side thereof to its intersection with Keen's old mill road, or Walker street; thence across said Walker street and with the fence of E. S. Arnett south eighty degrees east, to the southwest line of the right of way of the Virginia Midland railway; thence along the southern and western line of said railway about one-half mile to a stone culvert near the mouth of the deep cut; thence a straight course to the northwestern corner of the lot of land of David Tyree, senior, as now enclosed on Franklin turnpike road; thence crossing said turnpike road and continuing the same course to the Bradley road; thence crossing said Bradley road a straight course to the line of M. B. Hodnett on Fall creek; thence down said creek, as it meanders, to Dan river, and across said river in a line at right angles with the general course thereof to the present boundary line of the city of Danville, fifty feet from the ordinary shore line of the right bank of said river; thence up said river with said boundary line, continuing fifty feet from the ordinary shore line to the point of beginning on the said dam; and the territory therein embraced shall be deemed and taken as the city of Danville, and the inhabitants of the city of Danville, for all purposes for which cities and towns are incorporated, shall constitute and continue to be one body politic in fact and in name, under the style and denomination of the city of Danville, and as such shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations appertaining to and incumbent on said city as a municipal corporation.

§ 2. That said annexed territory shall constitute one or more wards of the new city of Danville, as may be hereafter determined, and shall have in the council thereof equal representation according to population with the other wards in said city.

§ 3. That until a reapportionment of said city, or new adjustment of the several wards of the city shall be had, the said annexed territory shall constitute and be known as the Fourth ward of the said city, and shall be entitled to five councilmen.

§ 4. That in the said annexed territory the public free schools shall be preserved and maintained with like advantages and with like degree of efficiency as such schools are maintained in the territory embraced within the present limits of Danville, in accordance with the law of this state.

§ 5. That no license for the sale of intoxicating liquors in said annexed territory shall be granted by the corporation court of the city of Danville until it shall be clearly shown in some proper and legal way that public sentiment and a majority of the registered voters of said annexed territory shall be in favor of such licensing and sale of intoxicating liquors, but the inhabitants of said annexed territory shall not at any time vote upon the licensing and sale of intoxicating liquors in the other wards of said city, or in the said new city at large.

§ 6. That the new city formed by the provisions of this act shall take all the franchises, property and assets, and assume and provide

for all the debts and liabilities of the present city of Danville and town of Neapolis by equal and uniform taxation.

§ 7. That for the purposes of the municipal election to be held in the city of Danville in May, eighteen hundred and ninety-six, the said annexed territory shall be considered as a part and parcel of said city, and the legally qualified voters of said annexed territory shall have the right to vote in said election as other citizens of the city of Danville, and at that time there shall be no election held in Neapolis for municipal officers under the charter of the town of Neapolis.

CHAPTER III.

§ 2. There shall continue to be held in the city of Danville at least twice in each year, a circuit court for said city, the jurisdiction whereof shall extend to all cases made cognizable therein by the constitution and laws of the state arising within the corporate limits of said city, as established by this act, or as may be hereafter established by act of assembly, and for one mile beyond the limits of said corporation, over which the circuit court of Pittsylvania has heretofore had jurisdiction. And the said court shall be convened and held at such times as may be fixed by law by the judge of the judicial circuit in which said city is or may be.

§ 3. The jurisdiction of said corporation court, except as to matters of police, which shall belong to the council, shall be the same as the constitution and laws now provide, and the said court shall have jurisdiction not only within the corporate limits of the city of Danville, as prescribed by this act, or as may hereafter be prescribed by any act of the general assembly of Virginia with respect thereto, but also for the space of one mile without and around the limits of said city.

CHAPTER IV.

§ 1. The regular election of all municipal officers, who, under the provisions of this charter, are to be chosen by the vote of the people, shall be held on the fourth Thursday in May, at the court-house, in said city, and at such other places as the corporation judge may direct or designate as precincts or voting places. At such election there shall be elected two councilmen from each, the first, second and third wards, who shall serve for four years, and at the election to be held in May, eighteen hundred and ninety-six, there shall be elected from the fourth ward five councilmen, of whom three shall serve for two years and two for four years, and thereafter there shall be elected every two years councilmen from said fourth ward for the term of four years, to fill vacancies in the council arising from expirations of office of councilmen from said fourth ward.

At the elections provided for in this section there shall also be elected one mayor, one alderman for each ward of said city, one commonwealth's attorney, who shall be attorney for both corporation and circuit courts, one clerk, who shall likewise be clerk of both said courts, one sergeant, one treasurer, and one commissioner of the revenue. All these officers shall enter upon their duties on the first day

of July succeeding their election, and (except councilmen, who shall hold as herein provided) shall hold for the following terms, namely: The mayor, aldermen, sergeant and commonwealth's attorney, for two years; the treasurer, for three years; the commissioner of the revenue, for four years; and the clerk for six years; provided that nothing herein contained shall be construed to interfere with, or vacate the office of any municipal officer of the city of Danville, whose term of office does not expire on the first day of July, eighteen hundred and ninety-six; provided, further, that where more than one alderman is required for the proper discharge of the duties of that office in any ward of said city, the judge of the corporation court shall be empowered to appoint a discreet and competent person to the said office until the next succeeding election for such officials, at which election an alderman may be elected in one or more of said wards, wherever needed, in addition to the one provided for in the foregoing part of this section.

In cases of vacancy arising in any municipal office herein mentioned, except as otherwise provided, and in case of any special election ordered by the city council for any object not provided for in the general election laws of the state, it shall be the duty of the council to certify the same and communicate the facts and their order to the judge of the corporation court, who shall issue his writ for an election to fill the vacancy named, or to carry out the objects for which a special election is desired, in the manner prescribed by the general election laws of the state.

§ 2. No person shall be eligible to any municipal office unless he be a resident of the city and has been a resident for at least twelve months before his election; nor shall any person be capable of holding at the same time more than one of the elective offices mentioned in this act, and removal from the city of any one holding any municipal office shall vacate the same; provided that for the purposes of the election to be held in May, eighteen hundred and ninety-six, for municipal officers of the city of Danville, residents in the town of Neapolis shall be equivalent to residence in the city of Danville.

CHAPTER V.

§ 5. In criminal cases under the laws of the state, he shall exercise all the power and authority of a justice of the peace, not only within the corporate limits of said city, but for the space of one mile without and around the same; and in enforcing the laws and ordinances of the city he shall have authority to impose and collect all fines and penalties together with costs, and inflict such other punishments as by the said laws and ordinances are ordained as a penalty for any breach thereof, and except where otherwise provided; the said last-named fines, penalties and punishments for the violation of the laws and ordinances of said city, may, in the sound discretion of the mayor, be imposed, collected and inflicted by him, in addition to the punishments prescribed by the laws of the state for such offences.

2. And be it further enacted by the general assembly of Virginia,

That this act shall go into effect on the first day of July, eighteen hundred and ninety-six, except that section seven of chapter one, as hereinabove set out, shall for the purposes therein named, go into effect on the passage of this act.

CHAP. 563.—An ACT to incorporate the Pacific company.

[Became a law notwithstanding the objections of the governor, March 2, 1896.]

1. Be it enacted by the general assembly of Virginia, That Harry Keene, of New York; Charles Coudert, of New York; D. S. Walton, of New Jersey; John C. Barron, E. J. Jerzmanowski, Charles F. Dietrich, of New York; G. Clinton Gardner, of Pennsylvania; R. W. Hawkesworth, William A. Anderson, of Virginia; Jose M. Irigoyen, Isaac Alzamora, Peru; John F. T. Anderson, of Virginia; Wheaton B. Kunhardt, of New York; and H. M. Hawkesworth, of New York, and such other persons as may be associated with them, and their successors, are hereby created and constituted a body politic and corporate by the name Pacific company, and by such name shall have perpetual succession, may contract and be contracted with, sue and be sued, make and use a common seal, and alter the same at pleasure, and make and maintain such by-laws, rules and regulations for the government of said corporation and the conduct of its business, as may be deemed necessary, not in conflict with the laws and constitution of the United States and of the state of Virginia.

2. The capital stock of said company shall not be less than one hundred thousand dollars, to be divided into shares of one hundred dollars each; and the same may be from time to time increased by additional subscriptions or the issue and sale of shares to an amount not exceeding one hundred million dollars.

The said company may receive subscriptions to its capital stock, or payment for its shares so issued, in money, services, land or other property, upon such terms and at such prices for the shares of its stock as shall be agreed upon or authorized by the board of directors. And said company may give a preference to portions of its capital stock over the residue thereof as to the dividends and the payment thereof, and may create or issue two or more classes of stock, according to the preference or preferences so given, and designate the same accordingly.

3. The corporators herein above named, or any three of them, may receive subscriptions to the capital stock of said company, and when the minimum capital of one hundred thousand dollars shall have been subscribed the said subscribers may organize said company by the election of seven directors, of whom they shall elect one as president, to remain in office one year and until their successors are elected, unless sooner removed by the stockholders. After organization as aforesaid the stockholders at any general meeting may

change the number of directors, and may provide for the proper government of the corporation by such by-laws as they may deem fit and proper, as herein above authorized. The board of directors may appoint such subordinate agents and officers of the company as they may deem necessary for the proper dispatch of the business of the company. There may be one or more vice-presidents of said company, who shall be chosen as provided in its by-laws.

4. The said company shall have the right to acquire and hold, use, employ, exercise, and dispose of any and all concessions, grants, privileges, and immunities, that have been or may be granted or conferred by, or secured from any of the republics, states, cities, districts, counties, municipalities, or other political or corporate bodies of South America and other countries; and also to subscribe for, acquire, hold and vote, and sell or otherwise dispose of the shares of the capital stock, or the bonds of any company chartered by any republic, state, government or municipality. It shall have all the powers, rights and franchises necessary and proper for the construction, control, ownership, and use of railroads of any description, anywhere upon the continent of South America, and of boats and ships propelled by steam, electricity or any motive-power, and shall have any other rights, powers and franchises necessary or important for any of these purposes, including the right to acquire, build, own, lease, occupy, and operate wharves, piers, canals, ship-yards, docks, elevators, transfers, lighters, telegraph, telephone and express lines, warehouses, water-works and other structures, appliances, or appurtenances or property, which the company may find to be necessary or convenient for the proper conduct of its business. Said company may also engage in the business of banking, and may conduct a general banking business, and establish one or more banking-houses in any of the republics of South America, or in any other state or country, subject to the laws of such republic, state or country. It may act as agent and guarantor, and may guarantee the performance of contracts and obligations. It may acquire and own any and all lands outside of the territorial limits of Virginia that it may find to be necessary or convenient for its purposes, and may sell, lease, or otherwise dispose of the same; and it may acquire, build, own and use, or otherwise dispose of wharves, piers and warehouses, at or near Norfolk and Newport News in Virginia; and may acquire and own, sell and otherwise dispose of any land necessary for these purposes.

5. Said company is authorized to carry on the business of mining coal or any ores, guano, nitrates, or other minerals or substances, and of manufacturing any metals, materials or products, and of developing oil and asphalt territory and raising and refining oils, and may conduct said business at one or more points in any republic, state or country of the continent of South America, or in any part of the continent of North America which drains into the Pacific ocean, in which the said company may deem it proper to acquire property or establish works for those purposes; and the said company shall have authority to buy, hold, sell, lease, or otherwise dispose of any real estate, subject to the limitations in section four, or

personal estate deemed necessary to the proper prosecution of its business; and may on any property so acquired, erect and maintain buildings, machinery and structures needful for smelting, manufacturing and treating ores, metals, oils and minerals or substances of whatever kind, or for the production of manufactured fabrics from wood, stone, metals, or other materials, and may operate, lease, sell or otherwise dispose of the same; and may on its own lands, survey and lay out lots, squares, or other divisions of such lands, and improve the same by buildings or otherwise for sale, lease, or other disposition or use, and may lay out a town or towns, or town sites, and may divide the same into blocks, lots, or squares; and may lay out and construct streets through the same, and may establish such lawful rules and regulations for the use of said lots, squares, streets and town sites as the board of directors of said company may deem best to secure the comfort and welfare of the occupants or tenants of such lands and lots, or others interested in any manufactory or works there established; and the said company may, in connection with the use or improvement of any of its properties, make, build and operate any aqueduct, pipe-line, tramways or railways, operated by horse or steam power or by electricity or other motive power; and said company may construct highways, roads and streets through any lands owned by the company, which the board of directors may deem it expedient to build, construct or operate; and said company may acquire any lands or property, rights, or rights-of-way for the purpose of making and building any such aqueduct, pipe-line, or railway or tramway, and may acquire by contract any land or property right, or rights-of-way which may be needed for the purpose of constructing any such railway, highway, road or street.

And the said company may establish and operate water-works, gas-works, electric-light plants, electric-power plants, and electric plants for any purpose, and all machinery, structures, appliances and fixtures necessary for the purpose of supplying water, water-power, motive-power, gas or electric lights and other conveniences to mines or to factories, or to persons and corporations residing or doing business in or near any town which said company may lay out, or in or near any town in which such rights may be acquired; and may quarry and cut stone, make brick, cut and saw timber, dig sand and clay and use and sell the product of any such work; and may do any act necessary for the successful prosecution of any of the above business.

6. It shall be lawful for said company from time to time to sell its bonds and its shares of stock for such sums or prices, and on such terms as the board of directors may deem expedient or proper in the prosecution of any of its work of business; and it may secure the payment of the principal and interest of its bonds by mortgages or deeds of trust, or declarations of trust upon all or any portion of its property, rights and franchises, including its franchises to be a corporation; and it shall be lawful for said company to subscribe to and hold shares in the capital stock of any other corporation, whenever the board of directors shall deem it to its interest to do so. Each

stockholder in said company shall be entitled to one vote for each share held by him, and no stockholder shall be held individually liable for the debts or liabilities of the company in any larger or further sum than to such amount as may be due and unpaid severally upon the shares of stock purchased or subscribed for by him at the agreed price thereof; said company shall pay all taxes upon its property in this state in lawful money of the United States, and not in coupons.

7. It shall be lawful for any corporation or company, whether foreign or domestic, to subscribe for, acquire and hold the shares of the capital stock of said company.

8. The principal office of the company shall be in the state of Virginia, in the town of Lexington; but the company may establish in any other place, state or county, such other offices as it may find necessary for the conduct of its business and the preservation of its records.

9. This act shall be in force from its passage.

CHAP. 564.—An ACT to amend and re-enact section 7 of an act entitled “an act to amend and re-enact section 2134 of code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact sections 2131, 2133, 2185, 2137, 2148, 2151, 2153, and to repeal sections 2141, 2142, 2143, 2144, 2145 and 2147 of chapter 97 of the code of Virginia in relation to oysters, and to add independent sections thereto, approved February 25, 1892, and to amend and re-enact sections 6 and 7 of the said act, approved February 25, 1892, approved March 5, 1894.

Approved March 2, 1896.

1. Be it enacted by the general assembly of Virginia, The section seven of an act entitled “an act to amend and re-enact section two thousand one hundred and thirty-four, of code of Virginia, as amended and re-enacted by an act entitled an act to amend and re-enact sections two thousand one hundred and thirty-one, two thousand one hundred and thirty-three, two thousand one hundred and thirty-five, two thousand one hundred and thirty-seven, two thousand one hundred and forty-eight, two thousand one hundred and fifty-one, two thousand one hundred and fifty-three, and to repeal sections two thousand one hundred and forty-one, two thousand one hundred and forty-two, two thousand one hundred and forty-three, two thousand one hundred and forty-four, two thousand one hundred and forty-five and two thousand one hundred and forty-seven of chapter ninety-seven of the code of Virginia, in relation to oysters, and to add independent sections thereto, approved February twenty-fifth, eighteen hundred and ninety-two, and to amend and re-enact sections six and seven of the said act, approved February twenty-fifth, eighteen hundred and ninety-two, approved March fifth, eighteen hundred and ninety-four,” so as to read as follows:

§ 7. Any person holding oyster-planting ground who has not had it assigned, or paid any rent for the same, shall forthwith apply to

the inspector of his district to have said ground surveyed, assigned and pay the rent; and if he fails to do so the inspector shall serve notice on said occupant, giving him thirty days to comply with the law, and then if he fails or refuse to rent, as the law directs, he shall be fined one dollar per month per acre (collectible by the inspector as other oyster revenues are collected) for each month he continues to hold or occupy the same, or refuses to remove the stakes after being notified by the inspector so to do, and the inspector shall rent out the ground to the first applicant: provided that the riparian owners of land on Jackson's creek, Sturgeon creek and Broad creek, in the county of Middlesex, Virginia, shall not be subject to the provisions of this act.

2. This act shall be in force from its passage.

CHAP. 565.—JOINT RESOLUTION for the relief of James G. Field.

Approved March 2, 1896.

Whereas the state of Virginia has against James G. Field two judgments recovered in the court of appeals at its November term, eighteen hundred and eighty-seven—one for the sum of one thousand four hundred and six dollars, and the other for costs amounting to ——— dollars—which judgments have not been satisfied; and

Whereas the said James G. Field claims against the state several sums of money, to-wit: one thousand and ninety dollars, fee for professional services rendered by him as an attorney at law under a contract of employment by Honorable James L. Kemper, governor of Virginia, acting under a resolution of the house of delegates in the matter of the board of public works against Messrs. Johnston, Poe and Poe; and also the sum of three thousand five hundred dollars on account of the reduction of his salary as attorney-general, made in eighteen hundred and seventy-eight, after his election and term of service had begun; and also for further sum claimed by the said Field as fees for extra services rendered while attorney-general, the state having paid similar fees to the preceding attorney-generals; and

Whereas it seems to the general assembly that the claim of the said Field, at least to some extent, is well founded in equity and justice: therefore,

1. Be it resolved by the senate (the house of delegates concurring), That the auditor of public accounts be, and he is hereby, authorized and directed to release the aforesaid two judgments against the said James G. Field, upon the said Field's executing and delivering to the said auditor a relinquishment of all claims and demands against the state growing out of his services as counsel employed by Governor Kemper in the matter of the board of public works versus Johnson, Poe and Poe, and growing out of any service.

as attorney-general of the state, regular or extra, from the — day of August, eighteen hundred and seventy-seven, to the first day of January, eighteen hundred and eighty-two.

2. This joint resolution shall take effect from its passage.

CHAP. 566.—An ACT to amend and re-enact an act entitled an act to amend and re-enact section 2961 of the code of Virginia, relative to attachments, approved January 30, 1890.

Approved March 2, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-nine hundred and sixty-one, as amended and re-enacted by an act entitled an act to amend and re-enact section twenty-nine hundred and sixty-one of the code of Virginia, approved January thirtieth, eighteen hundred and ninety, relative to attachments, be amended and re-enacted so as to read as follows:

§ 2961. Attachment against debtor removing his effects out of the state, whether claim payable or not. On complaint by any person, his agent or attorney, whether the claim of such person is payable or not, to a justice of the county or corporation in which the debtor against whom the claim is resides, or in which he has estate or debts owing to him, or if he has removed from the state in which he last resided, or in which he has estate or debts owing to him, or if he has never resided in the state in which he has estate or debts owing to him, or if such debtor be a corporation in which such corporation has estate or debts owing to it, that the said debtor intends to remove or is removing, or has removed his effects out of this state, so that there will probably not be therein effects of such debtor sufficient to satisfy the claim when judgment is obtained therefor, should only the ordinary process of law be issued to obtain the judgment, if such person, his agent or attorney make oath to the truth of the complaint to the best of his belief as well as to the amount and justice of the claim, and if the same is not payable at what time it will be payable, the justice shall issue an attachment against the estate of the debtor for the amount so stated.

2. This act shall be in force from its passage.

CHAP. 567.—An ACT to amend and re-enact an act entitled an act to compensate school trustees, other than clerks, in the counties of Campbell, Appomattox and Buckingham, approved February 29, 1892, so as to include the county of Cumberland, providing the rate of compensation.

Approved March 2, 1896.

1. Be it enacted by the general assembly of Virginia, That chapter four hundred and forty-three of acts of assembly, approved February twenty-ninth, eighteen hundred and ninety-two, page seven hundred and forty, entitled an act to compensate school trustees, other than the clerks, in the counties of Campbell, Appomattox and Buckingham, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That the district school boards of the county of Campbell may, in their discretion, compensate the school trustees of their respective districts, other than the clerks of district school boards, at the rate of one dollar and fifty cents per day for services rendered in attending the meetings of the district school board, payable from the district school fund; provided that no trustee as aforesaid shall receive more than nine dollars in any one year for services rendered on district account, and that the district school boards of the counties of Appomattox, Buckingham and Cumberland may, in their discretion, compensate the trustees of their respective districts, other than the clerks of district boards, at the rate of two dollars per day for services rendered in attending the meetings of the district school boards, payable from the district school fund; provided that no trustee as aforesaid shall receive more than twenty dollars in any one year for services rendered on district account.

§ 2. That county school boards of said counties may, in their discretion, compensate school trustees, other than clerks of county school boards, at the rate of two dollars per day for actual attendance on meetings of county school boards, payable from the county school fund; provided that no trustee as aforesaid shall receive more than four dollars in any one year for services rendered on county school boards.

2. This act shall be in force on and after July the first, eighteen hundred and ninety-six.

CHAP. 568.—An ACT for the relief of W. J. Mills, a disabled Confederate soldier, of Hanover county.

Approved March 2, 1896.

Whereas William J. Mills, a disabled Confederate soldier, of Beaver Dam district, in the county of Hanover, is confined to his room with paralysis, and is unable by said affliction to attend court; and

Whereas it is alleged that the said disability was contracted by exposure and wounds received in the late civil war, which facts if established before the county court of Hanover county, would entitle said Mills to receive a pension from the state of Virginia under the act of the general assembly providing for the aid of disabled Confederate soldiers; therefore,

1. Be it enacted by the general assembly of Virginia, That the said William J. Mills shall be authorized and empowered to file a written application in the county court of Hanover county without making a personal appearance before said court for aid as a soldier under the act approved March fifth, eighteen hundred and eighty-eight, and acts amendatory thereof, and said application shall be sustained by proper affidavits. Upon the filing of such application and production of proof the judge of said court shall be authorized to grant to the said William J. Mills a pension as is now provided by law.

2. This act shall be in force from its passage.

CHAP. 569.—An ACT to incorporate the Southern improvement and terminal company.

In force March 2, 1896.

1. Be it enacted by the general assembly of Virginia, That Levi Woodburry, C. F. Norment, A. T. Britton, John Callahan, and Odell S. Smith, their associates, successors, and assigns, be, and they are hereby, declared a body politic and corporate by the name and style of the Southern improvement and terminal company, for the purpose of improving lands, constructing and operating wharves, warehouses, or hotels, and to do a general wharf and warehouse business in the city of Norfolk, Virginia, or at any point or points on the Elizabeth river, Chesapeake bay, or Potomac river, within the state of Virginia.

2. It shall be lawful for the said company to operate steamships, steamboats, tugs, or barges for the transportation of freight or passengers to or from any of the said points within the state of Virginia, and to any point or points within any state or district on the waters of the Atlantic ocean or the tributaries thereto outside the limits of the state of Virginia; and for the purpose of developing their property the said company may construct and operate lines of railroads, to be operated by steam or electricity, not to exceed one hundred miles in length from such point or points where the said property may be located to any point that they may deem most advantageous for their purposes.

3. The said company shall have perpetual succession and a common seal, which it may renew or alter at pleasure, and shall be entitled to all the rights and privileges conferred and subject to all the

restrictions imposed by the laws of Virginia as far as the same may be applicable to and not inconsistent with this act.

4. It shall be lawful for the said company to acquire, in subscription to its capital stock or by donation, money, land, or other damages, labor, material, bonds, or any other means available for their purposes, and to receive subscriptions from individuals, other companies, associations, or corporations; and it may run, use, and operate, by lease or otherwise, the equipments of any other company upon such terms as may be agreed upon by the party or parties owning the same.

5. The capital stock of the said company shall not be less than fifty thousand dollars, divided into shares of fifty dollars each, and may be increased from time to time with the consent of the majority of its directors to an amount necessary for the conducting of their business.

6. Said company, with the consent of a majority of its directors, shall have the power to borrow money to such an amount as they may deem proper and necessary, and to issue for any such loan debentures or bonds of the company, bearing interest at such rates per annum as the said company may determine; and to secure payment of such loan or loans said company may execute one or more mortgages or deeds of trust on any part of its property—real, personal, and mixed—its charter rights, franchises, and income.

7. The corporators herein mentioned, or any two of them, are authorized to open books of subscription to the capital stock of said company at such times and places and upon such notice as they may determine. Meetings of corporators, stockholders, or directors may be held at any point in Virginia or the District of Columbia.

8. The said company shall pay all taxes due or to become due to the state of Virginia in lawful money of the United States, and not in coupons.

9. This act shall be in force from its passage.

CHAP. 570.—An ACT providing that when a mortal wound or injury is inflicted by a person within the state upon one outside the same, or upon one in this state who afterwards dies from the effects of the same outside of the state, that the offender shall be amenable to punishment, and where he may be prosecuted.

Approved March 2, 1896.

1. Be it enacted by the general assembly of Virginia, That if a mortal wound or other violence or injury be inflicted by a person within this state upon one outside of the same, or upon one in this state who afterwards dies from the effect thereof out of the state, the offender shall be amenable to prosecution and punishment for the offence in the courts of the county or corporation in which he was at the time of the commission thereof as if the same had been committed in such county or corporation.

2. This act shall be in force from its passage.

CHAP. 571.—An ACT to authorize the board of supervisors of Nansemond county to have the lands of all persons in said county, or in selected portions thereof, or of individuals who may request it, processioned.

Approved March 2, 1896.

1. Be it enacted by the general assembly of Virginia, That for the purpose of processioning the lands of all persons in the county of Nansemond, or in selected portions thereof, or of any persons who may request it, the board of supervisors of said county may, as often as to them shall seem proper and necessary, appoint three intelligent and disinterested freeholders, whose duties it shall be to procession the lands of all persons in said county, or in selected portions thereof, or of individuals who may request it ordered to be processioned by said board of supervisors, in accordance with the provisions of section twenty-four hundred and five, code of Virginia, edition of eighteen hundred and eighty-seven, except that the only notice required of the time appointed for such processioning shall be a written notice, served in the manner prescribed by law ten days prior to the time appointed for such processioning, upon any and all persons whose lands may be affected by such processioning, and except so far as is otherwise herein enacted.

2. Except so far as is otherwise herein enacted, the provisions of chapter one hundred and six, code of Virginia, edition of eighteen hundred and eighty-seven, shall apply to the said county of Nansemond.

3. All acts or parts of acts inconsistent herewith are hereby repealed.

4. This act shall be in force from its passage.

CHAP. 572.—An ACT for the relief of J. M. Hill.

Approved March 2, 1896.

Whereas by an act approved January the twenty-eighth, eighteen hundred and ninety, certain qualifications were imposed upon persons wishing to practice dentistry in the state of Virginia; and

Whereas the said act further provides that persons who shall be engaged in the practice of dentistry in the commonwealth of Virginia on the twenty-eighth day of January, eighteen hundred and ninety, and who shall comply with the requirements of section seventeen hundred and seventy-four of the code of Virginia, shall be otherwise exempt from the provisions of said code; and

Whereas J. M. Hill, of Wise county, was a practical dentist and a resident of Virginia, on the twenty-eighth day of January, eighteen hundred and ninety, but not in active practice at that time; therefore,

1. Be it enacted by the general assembly of Virginia, That the said J. M. Hill be, and he is hereby, granted the same rights and privileges as those in actual practice on the twenty-eighth day of January eighteen hundred and ninety, subject to the requirements of section seventeen hundred and seventy-four of the code of Virginia as aforesaid.

2. This act shall be in force from its passage.

CHAP. 573.—An ACT for the relief of James L. Grant, a dentist of Washington county, Virginia.

Approved March 2, 1896.

Whereas by an act approved January the first, eighteen hundred and ninety, certain qualifications were imposed upon persons wishing to practice dentistry in the state of Virginia; and

Whereas the said act further provides that persons who shall be engaged in the practice of dentistry in the commonwealth of Virginia on the first day of January, eighteen hundred and ninety, and who shall comply with the requirements of section seventeen hundred and seventy-four of that act, shall be otherwise exempt from the provisions of said act; and

Whereas James L. Grant was a practical dentist and a resident of Virginia on the first day of January, eighteen hundred and ninety, but not in active practice at that time: therefore,

1. Be it enacted by the general assembly of Virginia, That the said James L. Grant be, and is hereby, granted the same rights and privileges as those in actual practice on the first day of January, eighteen hundred and ninety, subject to the requirements of section seventeen hundred and seventy-four as aforesaid of said act.

2. This act shall be in force from its passage.

CHAP. 574.—An ACT for the relief of Dr. S. H. Speer.

Approved March 2, 1896.

Whereas by an act approved January the first, eighteen hundred and ninety, and amended by act approved March second, eighteen hundred and ninety-four, certain qualifications were imposed upon persons wishing to practice dentistry in the state of Virginia; and

Whereas the said act further provides that persons who shall be engaged in the practice of dentistry in the commonwealth of Virginia on the twenty-eighth day of January, eighteen hundred and ninety, and who have complied with the requirements of section

seventeen hundred and seventy-four of that act, shall be otherwise exempt from the provisions of said act; and

Whereas Doctor S. H. Speer was a practical dentist and a resident of Virginia on the twenty-eighth day of January, eighteen hundred and ninety, but not in active practice at that time: therefore,

1. Be it enacted by the general assembly of Virginia, That the said Doctor S. H. Speer be, and is hereby, granted the same rights and privileges as those in actual practice on the twenty-eighth day of January, eighteen hundred and ninety, subject to the requirements of section seventeen hundred and seventy-four, as aforesaid, of said act.

2. This act shall be in force from its passage.

CHAP. 575.—An ACT appropriating the public revenue for the two fiscal years ending respectively the 30th day of September, 1896, and the 30th day of September, 1897.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the public taxes and arrears of taxes due prior to the first day of October, in the years eighteen hundred and ninety-six and eighteen hundred and ninety-seven, respectively, as well as the revenue derived from all other sources, and all moneys not otherwise appropriated which shall come into the treasury prior to the first day of October, eighteen hundred and ninety-six, and the first day of October, eighteen hundred and ninety-seven, shall establish a general fund and be, and the same is hereby, appropriated for the fiscal year to close on the thirtieth day of September, eighteen hundred and ninety-six, and the thirtieth day of September, eighteen hundred and ninety-seven, respectively, in the following manner and for the following uses, to-wit:

For the fiscal year ending on the thirtieth day of September, eighteen hundred and ninety-six:

Governor, salary of five thousand dollars (\$5,000).

Governor's secretary, salary of one thousand two hundred dollars (\$1,200).

Attorney-general, salary of two thousand five hundred dollars (\$2,500).

Attorney-general, salary of clerk to, one thousand dollars (\$1,000).

Attorney-general, contingent expenses of office, exclusive of mileage, one hundred dollars (\$100).

Auditor of public accounts, salary of three thousand dollars (\$3,000).

Auditor of public accounts, twelve clerks in office, twelve thousand nine hundred and forty dollars (\$12,940).

Auditor of public accounts, contingent expenses of office, one thousand five hundred dollars (\$1,500).

Auditor (second), salary of two thousand dollars (\$2,000).

Auditor (second), four clerks in office, four thousand four hundred and eighty dollars (\$4,480).

Auditor (second), contingent expenses of office, one hundred and fifty dollars (\$150).

Treasurer, salary of two thousand dollars (\$2,000).

Treasurer, four clerks in office, four thousand three hundred and eighty dollars (\$4,380).

Treasurer, contingent expenses of office, two hundred dollars (\$200).

Secretary of the commonwealth, salary of two thousand dollars (\$2,000).

Secretary of the commonwealth, clerks in office of, one of whom is librarian, two thousand nine hundred dollars (\$2,900).

Secretary of the commonwealth, contingent expenses of office, five hundred dollars (\$500).

Register of the land office, salary of, one thousand five hundred and seven hundred and eighty dollars for a clerk (\$2,280).

Register of the land office, contingent expenses of office and for keeping walks and grounds in repair, and so forth, three hundred dollars, and two hundred and fifty dollars for retracing and re-binding certain records (\$550).

Board of public works, contingent expenses of office, including salary of secretary, seven hundred and fifty dollars (\$750).

Receiving and forwarding document clerk and messenger, twelve hundred dollars (\$1,200).

Janitor to basement offices, four hundred and eighty dollars (\$480).

Engineer at capitol, one thousand dollars (\$1,000).

Janitor in galleries, capitol, three hundred and sixty dollars (\$360).

Conductor of elevator, capitol, six hundred dollars (\$600).

Fireman of elevator, capitol, six hundred dollars (\$600).

Seven policemen at capitol, five thousand four hundred and sixty dollars (\$5,460).

One night watchman for treasurer's and second auditor's office, seven hundred and twenty dollars (\$720).

One night watchman at court of appeals, six hundred dollars (\$600).

Janitor and doorkeeper at the library, three hundred and sixty dollars (\$360).

Janitor at library offices, salary of, four hundred and eighty dollars (\$480).

To pay premiums on policies of insurance on the capitol building, one thousand four hundred and twenty-two dollars and ninety cents (\$1,422.90).

Conductor of elevator at library building, salary of four hundred and eighty dollars (\$480).

Fireman at library building, salary of six hundred dollars (\$600).

Policeman at library building, salary of seven hundred and eighty dollars (\$780).

To pay J. F. Williams for running elevator at night in library building and W. H. Harman for firing and running engine in library building at night, thirty dollars each, making a total of sixty dollars (\$60).

Messenger to governor, seven hundred and eighty dollars (\$780).

Labor at executive mansion, six hundred dollars (\$600).

Four telephones in public buildings, two hundred and forty-five dollars, and for fire alarm one hundred and twenty-five dollars (\$370).

Ice, fuel and lights in public buildings and offices, four thousand dollars (\$4,000).

Commissioner of railroads, salary of, two thousand five hundred dollars (\$2,500).

Commissioner of railroads, salary of clerk, one thousand two hundred dollars (\$1,200).

Commissioner of railroads, contingent expenses of office, five hundred dollars (\$500).

Agriculture, bureau of, ten thousand dollars, and three thousand dollars in addition for all expenses in the collection of taxes on fertilizer and fertilizing companies so that the whole amount allowed the bureau for all purposes shall not exceed thirteen thousand dollars (\$13,000).

Agriculture, commissioner of, salary of, one thousand five hundred dollars (\$1,500).

Agriculture, commissioner of, clerk to, six hundred dollars (\$600).

Adjutant-general, salary of (to be paid out of military fund), one thousand five hundred dollars (\$1,500).

Superintendent of public printing, salary of, one thousand five hundred dollars (\$1,500).

Superintendent of public printing, salary of porter, six hundred dollars (\$600).

Superintendent of public instruction, salary of, two thousand dollars (\$2,000).

Penitentiary.

Officers, salary of, eight thousand five hundred and eighty dollars, including salary of matron and assistant clerk (\$8,580).

Guards, exterior and interior, twenty-one thousand six hundred dollars (\$21,600).

Three directors, salary of, four hundred and fifty dollars (\$450).

Clerk of senate, including salary allowed him by code, one thousand six hundred dollars (\$1,600).

Clerk of the house of delegates, salary of, one thousand eight hundred dollars (\$1,800).

Judges of the Supreme Court of Appeals.

President of court, three thousand two hundred dollars (\$3,200).

One associate judge a resident of Richmond, four thousand dollars (\$4,000).

Three associate judges, at three thousand dollars each, nine thousand dollars (\$9,000).

Stenographer to court of appeals, salary of, twelve hundred dollars (\$1,200).

Traveling expenses of judges, six hundred dollars (\$600).

Circuit Judges.

Eleven circuit judges at one thousand six hundred dollars each, seventeen thousand six hundred dollars (\$17,600).

Two circuit judges at two thousand three hundred dollars each, four thousand six hundred dollars (\$4,600).

One circuit judge, two thousand two hundred dollars (\$2,200).

One circuit judge, one thousand eight hundred dollars (\$1,800).

Two circuit judges at one thousand nine hundred dollars each, three thousand eight hundred dollars (\$3,800).

Mileage of circuit judges, three thousand dollars (\$3,000).

Judge of chancery court of Richmond, two thousand three hundred dollars (\$2,300).

Judge of the court of law and equity of Richmond, two thousand dollars (\$2,000).

Judge of the court of law and chancery, Norfolk city, two thousand dollars (\$2,000).

Reporter of supreme court of appeals, one thousand five hundred dollars (\$1,500).

Clerk of supreme court at Staunton, four hundred dollars (\$400).

Clerk of supreme court at Wytheville, four hundred dollars (\$400).

Clerk of supreme court at Richmond, five hundred dollars (\$500).

Clerk of circuit court at Richmond, four hundred dollars (\$400).

Contingent expenses of courts, thirty-one thousand five hundred dollars (\$31,500).

Civil contingent fund, ten thousand dollars (\$10,000).

Criminal Charges.

To pay transportation for criminals to penitentiary, six thousand dollars, or so much thereof as may be necessary (\$6,000).

Prison association of Virginia, five thousand dollars, of which not less than four thousand dollars shall be expended in the erection and equipment of buildings (\$5,000).

Expenses of juries, witnesses, and so forth, three hundred thousand dollars; but not more than five hundred dollars per year shall be paid to the jail physicians of Richmond or Norfolk (\$300,000).

Public printing, twenty-eight thousand dollars (\$28,000).

Printing records of criminal cases in supreme court, five hundred dollars (\$500).

Virginia reports, to pay printing, binding, and so forth, three thousand dollars (\$3,000).

Oysters, protection of, maintenance of steamers and vessels, twenty-five thousand dollars (\$25,000).

General Account of Revenue.

To pay commissions to commissioners of the revenue, postage, and

express charges on land and property-books, and so forth, fifty thousand dollars (\$50,000).

For registration of marriages and births, five thousand dollars (\$5,000).

Pensions.

To pay pensions of eighteen hundred and ninety-six, eighty-five thousand dollars, and the additional sum of twenty-five thousand dollars, of which those soldiers, sailors or marines who have lost two limbs or total vision shall receive the sum of forty dollars in addition to the amount to which they are entitled under the act of assembly entitled "an act to give aid to soldiers, sailors and marines of Virginia, maimed or disabled in the war between the states, and to the widows of Virginia soldiers, sailors and marines who lost their lives in said war in the military service," approved March fifth, eighteen hundred and eighty-eight, and each of those who lost one limb, entitled to the benefit of said act, the additional sum of twenty dollars, and each of the widows entitled to the benefit of said act, the additional sum of ten dollars (\$110,000).

Lunatics.

Support of lunatics in jail and in charge of private persons, cost of commission of lunacy, and so forth, five thousand dollars (\$5,000).

State Hospitals (for the insane).

Central, seventy-five thousand dollars (\$75,000).

Eastern, in addition to pay patients, seventy thousand dollars (\$70,000).

Western, in addition to pay patients, one hundred thousand dollars (\$100,000).

Southwestern, in addition to pay patients, fifty thousand dollars, out of which the new buildings are to be completed and furnished, and one thousand dollars for repairs (\$51,000).

Institutions of Learning.

Medical college of Virginia at Richmond, five thousand dollars (\$5,000).

State female normal school, fifteen thousand dollars (\$15,000).

And twenty-five hundred dollars for buildings (\$2,500).

University of Virginia, fifty thousand dollars (\$50,000).

Virginia military institute, thirty thousand dollars, which shall include expenses of board of visitors, except as to the expenses of the adjutant-general and superintendent of public instruction, whose expenses shall be paid as provided by law, and five thousand dollars for building (\$35,000).

Richmond eye infirmary, for the relief of indigent persons suffering from diseases of the eye, one thousand dollars (\$1,000).

Deaf and dumb and blind institution, thirty-five thousand dollars (\$35,000).

Virginia agricultural and mechanical college at Blacksburg, Virginia, three thousand dollars for insurance and repairs and twelve thousand dollars for building and equipment (\$15,000).

Virginia normal and college institute, fifteen thousand dollars (\$15,000).

William and Mary college, fifteen thousand dollars, which sum is to include the allowance of ten thousand dollars authorized by an act approved the fifth day of March, eighteen hundred and eighty-eight (\$15,000).

Public schools, two hundred thousand dollars; this sum to be turned over to the state board of education, and by that board apportioned to the public free schools of the several counties and cities of the commonwealth, except, however, twenty-five hundred dollars thereof, which said board is authorized to expend for the maintenance of summer normal institutes (\$200,000).

To Confederate soldiers' home, annuity thirty thousand dollars, under act of March third, eighteen hundred and ninety-two (\$30,000).

To pay the interest on the public debt, funded under the acts approved February fourteenth, eighteen hundred and eighty-two; February twentieth, eighteen hundred and ninety-two; January thirty-first, eighteen hundred and ninety-four, and January twenty-third, eighteen hundred and ninety-six, a sum sufficient for that purpose is hereby appropriated.

For the fiscal year ending on the thirtieth day of September, eighteen hundred and ninety-seven:

Governor, salary of, five thousand dollars (\$5,000).

Governor's secretary, salary of, one thousand two hundred dollars (\$1,200).

Attorney-general, salary of, two thousand five hundred dollars (\$2,500).

Attorney-general, salary of clerk to, one thousand dollars (\$1,000).

Attorney-general, contingent expenses of office, exclusive of mileage, one hundred dollars (\$100).

Auditor of public accounts, salary of, three thousand dollars (\$3,000).

Auditor of public accounts, twelve clerks in office, twelve thousand nine hundred and forty dollars (\$12,940).

Auditor of public accounts, contingent expenses of office, one thousand five hundred dollars (\$1,500).

Auditor (second), salary of, two thousand dollars (\$2,000).

Auditor (second), four clerks in office, four thousand four hundred and eighty dollars (\$4,480).

Auditor (second), contingent expenses of office, one hundred and fifty dollars (\$150).

Treasurer, salary of, two thousand dollars (\$2,000).

Treasurer, four clerks in office, four thousand three hundred and eighty dollars (\$4,380).

Treasurer, contingent expenses of office, two hundred dollars (\$200).

Secretary of the commonwealth, salary of, two thousand dollars (\$2,000).

Secretary of the commonwealth, clerks in office of, one of whom is librarian, two thousand nine hundred dollars (\$2,900).

Secretary of the commonwealth, contingent expenses of office, five hundred dollars (\$500).

Register of the land office, salary of, one thousand five hundred dollars, and seven hundred and eighty dollars for a clerk (\$2,280).

Register of the land office, contingent expenses of office and for keeping walks and grounds in repair, and so forth, three hundred dollars, and two hundred and fifty dollars for retracing and re-binding certain records (\$550).

Board of public works, contingent expenses of office, including salary of secretary, seven hundred and fifty dollars (\$750).

Receiving and forwarding document clerk and messenger, twelve hundred dollars (\$1,200).

Janitor to basement offices, four hundred and eighty dollars (\$480).

Engineer at capitol, one thousand dollars (\$1,000).

Janitor in galleries, capitol, three hundred and sixty dollars (\$360).

Conductor of elevator, capitol, six hundred dollars (\$600).

Fireman of elevator, capitol, six hundred dollars (\$600).

Seven policemen at capitol, five thousand four hundred and sixty dollars (\$5,460).

One night watchman for treasurer's and second auditor's office, seven hundred and twenty dollars (\$720).

One night watchman at court of appeals, six hundred dollars (\$600).

Janitor and doorkeeper at the library, three hundred and sixty dollars (\$360).

Janitor at library offices, salary of, four hundred and eighty dollars (\$480).

Conductor of elevator at library building, salary of, four hundred and eighty dollars (\$480).

Fireman at library building, salary of, six hundred dollars (\$600).

Policeman at library building, salary of, seven hundred and eighty dollars (\$780).

Messenger to governor, seven hundred and eighty dollars (\$780).

Labor at executive mansion, six hundred dollars (\$600).

Four telephones in public buildings, two hundred and forty-five dollars (\$245).

Ice, fuel and lights in public buildings and offices, four thousand dollars (\$4,000).

Commissioner of railroads, salary of, two thousand five hundred dollars (\$2,500).

Commissioner of railroads, salary of clerk, one thousand two hundred dollars (\$1,200).

Commissioner of railroads, contingent expenses of office, five hundred dollars (\$500).

Agriculture, bureau of, ten thousand dollars, and three thousand dollars in addition for all expenses in the collection of taxes on fertilizers and fertilizing companies, so that the whole amount allowed the bureau for all purposes shall not exceed thirteen thousand dollars (\$13,000).

Agriculture, commissioner of, salary of, one thousand five hundred dollars (\$1,500).

Agriculture, commissioner of, clerk to, six hundred dollars (\$600).

Adjutant-general, salary of (to be paid out of military fund), one thousand five hundred dollars (\$1,500).

Superintendent of public printing, salary of, one thousand five hundred dollars (\$1,500).

Superintendent of public printing, salary of, porter, six hundred dollars (\$600).

Superintendent of public instruction, salary of, two thousand dollars (\$2,000).

Penitentiary.

Officers, salary of, eight thousand five hundred and eighty dollars, including salary of matron and assistant clerk (\$8,580).

Guards, exterior and interior, twenty-one thousand six hundred dollars (\$21,600).

Three directors, salary of, four hundred and fifty dollars (\$450).

Clerk of senate, including salary allowed him by code, one thousand six hundred dollars (\$1,600).

Clerk of the house of delegates, salary of, one thousand eight hundred dollars (\$1,800).

Judges of the Supreme Court of Appeals.

President of court, three thousand two hundred dollars (\$3,200).

One associate judge, a resident of Richmond, four thousand dollars (\$4,000).

Three associate judges, at three thousand dollars each, nine thousand dollars (\$9,000).

Stenographer to court of appeals, salary of, twelve hundred dollars (\$1,200).

Travelling expenses of judges, six hundred dollars (\$600).

Circuit Judges.

Eleven circuit judges at one thousand six hundred dollars each, seventeen thousand six hundred dollars (\$17,600).

Two circuit judges at two thousand three hundred dollars each, four thousand six hundred dollars (\$4,600).

One circuit judge, two thousand two hundred dollars (\$2,200).

One circuit judge, one thousand eight hundred dollars (\$1,800).

Two circuit judges at one thousand nine hundred dollars each, three thousand eight hundred dollars (\$3,800).

Mileage of circuit judges, three thousand dollars (\$3,000).

Judge of chancery court of Richmond, two thousand three hundred dollars (\$2,300).

Judge of the court of law and equity of Richmond, two thousand dollars (\$2,000).

Judge of the court of law and chancery, Norfolk city, two thousand dollars (\$2,000).

Reporter of supreme court of appeals, one thousand five hundred dollars (\$1,500).

Clerk of supreme court at Staunton, four hundred dollars (\$400).

Clerk of supreme court at Wytheville, four hundred dollars (\$400).

Clerk of supreme court at Richmond, five hundred dollars (\$500).

Clerk of circuit court at Richmond, four hundred dollars (\$400).

Contingent expenses of courts, thirty-one thousand five hundred dollars (\$31,500).

Civil contingent fund, ten thousand dollars (\$10,000).

Criminal Charges.

To pay transportation for criminals to penitentiary, six thousand dollars, or so much thereof as may be necessary (\$6,000).

Prison association of Virginia, five thousand dollars, of which not less than four thousand dollars shall be expended in the erection and equipment of buildings (\$5,000).

Expenses of juries, witnesses, and so forth, three hundred thousand dollars; but not more than five hundred dollars per year shall be paid to the jail physicians of Richmond or Norfolk (\$300,000).

Public printing, eighteen thousand dollars (\$18,000).

Printing records of criminal cases in supreme court, five hundred dollars (\$500).

Virginia reports, to pay printing, binding, and so forth, three thousand dollars (\$3,000).

Oysters, protection of, maintenance of steamers and vessels, twenty-five thousand dollars (\$25,000).

General Account of Revenue.

To pay commissions to commissioners of the revenue, postage and express charges on land and property books, and so forth, fifty thousand dollars (\$50,000).

For registration of marriages and births, five thousand dollars (\$5,000).

Pensions.

To pay pensions of eighteen hundred and ninety-seven, eighty-five thousand dollars, and the additional sum of twenty-five thousand dollars, of which those soldiers, sailors or marines who have lost two limbs or total vision shall receive the sum of forty dollars in addition to the amount to which they are entitled under the act of assembly entitled "an act to give aid to soldiers, sailors and marines of Virginia, maimed or disabled in the war between the states, and to the widows of Virginia soldiers, sailors and marines who lost their lives in said war in the military service," approved March fifth, eighteen hundred and eighty-eight, and each of those who lost one limb, entitled to the benefit of said act, the additional sum of twenty dollars, and each of the widows entitled to the benefit of said act, the additional sum of ten dollars (\$110,000).

Lunatics.

Support of lunatics in jail and in charge of private persons, cost of commission of lunacy, and so forth, five thousand dollars (\$5,000).

State Hospitals (for the insane).

Central, seventy-five thousand dollars (\$75,000).

Eastern, in addition to pay patients, seventy thousand dollars (\$70,000).

Western, in addition to pay patients, one hundred thousand dollars (\$100,000.)

Southwestern, in addition to pay patients, fifty thousand dollars, out of which the new buildings are to be completed and furnished, and one thousand dollars for repairs (\$51,000).

Institutions of Learning.

Medical college of Virginia at Richmond, five thousand dollars (\$5,000).

State female normal school, fifteen thousand dollars (\$15,000), and twenty-five hundred dollars for building.

University of Virginia, fifty thousand dollars (\$50,000).

Virginia military institute, thirty thousand dollars, which shall include expenses of board of visitors, except as to the expenses of the adjutant-general and superintendent of public instruction, whose expenses shall be paid as provided by law, and five thousand dollars for building (\$35,000).

Richmond eye infirmary, for the relief of indigent persons suffering from diseases of the eye, one thousand dollars (\$1,000).

Deaf and dumb and blind institution, thirty-five thousand dollars (\$35,000).

Virginia agricultural and mechanical college at Blacksburg, Virginia, three thousand dollars for insurance and repairs and twelve thousand dollars for building and equipment (\$15,000).

Virginia normal and collegiate institute, fifteen thousand dollars (\$15,000).

William and Mary college, fifteen thousand dollars, which sum is to include the allowance of ten thousand dollars authorized by an act approved the fifth day of March, eighteen hundred and eighty-eight (\$15,000).

Public schools, two hundred thousand dollars; this sum to be turned over to the state board of education, and by that board apportioned to the public free schools of the several counties and cities of the commonwealth, except, however, twenty-five hundred dollars thereof, which said board is authorized to expend for the maintenance of summer normal institutes (\$200,000).

To Confederate soldiers' home, annuity thirty thousand dollars, under act of March third, eighteen hundred and ninety-two (\$30,000).

To pay the interest on the public debt, funded under the acts approved February fourteen, eighteen hundred and eighty-two; Feb-

ruary twentieth, eighteen hundred and ninety-two; January thirty-first, eighteen hundred and ninety-four, and January twenty-third, eighteen hundred and ninety-six, a sum sufficient for that purpose is hereby appropriated.

2. So much of the public revenue as may be received into the treasury after the thirtieth day of September, eighteen hundred and ninety-five, and the surplus of all other appropriations made prior to that date unexpended within the two fiscal years hereinbefore provided for, and all other moneys not otherwise appropriated by law, shall constitute a general fund to defray such expenses authorized by law as are not herein particularly provided for.

3. The annuities to the public institutions of the state and to the state hospitals for the insane shall be paid in monthly installments; and it shall be lawful for the auditor of public accounts to pay to said institutions and hospitals their monthly allowances on the first day of the months of October, November and December, eighteen hundred and ninety-seven, and of January, February and March, eighteen hundred and ninety-eight, which payments shall be charged against the appropriations for the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight: provided that any act in force hereafter at the date when such payments, or any of them, are required to be made, and directing a different manner of payment, shall supersede this section and control the manner of payment by the auditor to said institutions and hospitals.

4. It shall not be lawful for the auditor of public accounts to pay to the asylums or other institution any money except as is provided for in this act, or in pursuance of some act making a special appropriation therefor. And the proper officer of each public institution of the state for which appropriation is hereby made shall, in their annual reports to the governor, give an itemized account of the expenses of their respective institutions; and every officer of the state for whom department appropriations are hereby made shall make annually a report to the governor, covering an itemized account of the expenditures of such appropriation, and the governor shall forward the reports to the general assembly; and such reports and accounts shall embrace the expenditures of all funds appropriated, including the interest on bonds held by such institutions and hereinbefore directed to be paid them.

5. All acts and parts of acts inconsistent herewith are hereby repealed.

6. This act shall be in force from its passage.

CHAP. 576.—An ACT entitled an act to amend and re-enact an act, approved July 9, 1870, and to amend and re-enact an act, approved March 21, 1877, and to amend and re-enact an act, approved February 17, 1890, and to re-enact an act, approved January 29, 1894, relating to the charter of the town of Harrisonburg.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That an act to amend and re-enact an act, approved July ninth, eighteen hundred and seventy, and to amend and re-enact an act, approved March twenty-one, eighteen hundred and seventy-seven, and to amend and re-enact an act, approved February seventeen, eighteen hundred and ninety, and to re-enact an act, approved January twenty-nine, eighteen hundred and ninety-four, relating to the charter of the town of Harrisonburg, be amended and re-enacted so as to read as follows:

The corporate limits of the town of Harrisonburg, in the county of Rockingham, as heretofore established by law, are hereby extended, re-arranged, and established as by a plat and survey of said town reported to the council thereof, as made by John H. Rolston, surveyor of Rockingham county, on the fourteenth day of February, eighteen hundred and sixty-eight, with the following metes and bounds, namely:

Beginning at a fence-post in Sullivan's and Liskey's line north four degrees, east four and one-half poles from the northeast corner of Thomas Swanson's house; thence north twelve and one-half degrees, east two hundred and twenty-eight poles, passing through Hilltop farm, east of the buildings, to a cherry tree on the line between Hilltop and P. Liggett's land; thence north fifty-five and one-quarter degrees, west one hundred and eighty-five poles, crossing the Valley turnpike to a large white oak, M. Harvey Effinger's corner, northwest of Yeakle's house; thence with Effinger's line north forty-five degrees, west fifty-five poles to the corner of the stone fence on the east side of the Kratzer road; thence with the said stone fence south twenty-seven degrees, west eighty-three and three-quarter poles, crossing the railroad and the Kratzer road to a sycamore tree by D. S. Jones' fence on the west side of the road; thence south seventy-five degrees, west two hundred and eleven poles, crossing the Harrison road and passing north of the Waternam house to two rocks in the hollow (north eighty-five degrees, west from the west corner of said house); thence south twenty degrees, west three hundred and eighty poles, passing west of J. Miller's to a spring and four white oaks in Kyle's field, west of the brick house; thence south thirty-seven and one-quarter degrees, east one hundred and sixty-one poles, crossing the Warm Springs and Valley turnpikes to the end of the stone fence at the west corner of Dr. Newman's field and at the toll-gate; thence with the fence on the east side of the Port Republic road south thirty degrees, east eighty-one poles to a white oak on top of the hill; thence north fifty-three degrees, east three hundred and forty-seven poles, passing through the lands of Dr. Newman and Isaac Paul to a walnut in Paul's field, about one pole from the line-fence between said Paul and Henry Ott; thence

north sixty-two degrees, east two hundred and thirty poles, crossing the Rockingham turnpike to the beginning, embracing one thousand four hundred and fifty acres.

2. The municipal authorities of said town shall be a mayor, a recorder, and nine councilmen, who together shall form a common council.

3. The mayor, recorder and councilmen, as soon as they shall be elected and qualified as hereinafter provided, shall be a body politic and corporate by the name of the town of Harrisonburg, and shall have perpetual succession and a common seal, and by that name may sue and be sued, implead and be impleaded, may purchase and hold real estate, and sell and convey the same, needful for the public good, and may exercise all the powers of said corporation except where otherwise provided: provided that at each biennial election held under this act there shall be elected a town sergeant, town treasurer and assessor, who shall hold their offices for the term of two years and until their successors are elected and qualified.

4. The mayor, recorder and councilmen shall be elected by the citizens of said corporation who are by the laws of this state entitled to vote for members of the general assembly and who shall have resided in the said town for three months next preceding the election.

5. Their term of office shall be for two years (except when to fill vacancies) and until their successors have been elected and qualified.

6. The mayor, recorder and councilmen must be citizens of the town entitled to vote for members of the common council.

7. The first election under this act shall be on the fourth Thursday in July, eighteen hundred and ninety-six, in the town of Harrisonburg, at the court-house; and biennially thereafter there shall be an election of the officers of said town, on the fourth Thursday in July, at such place and under rules and regulations and subject to such provisions as the council may prescribe.

8. All vacancies occurring from any cause in the offices of common councilmen shall be filled by appointment by the council.

9. The manner of conducting all elections under this act shall, so far as the same are not in conflict herewith, be the same as prescribed by the general election law of the state for the election of county officers; and in case of a tie the council shall decide between the candidates, and shall also hear and decide all contested elections.

10. A majority of the whole number of officers mentioned in the second section of this act shall be necessary to the transaction of any business whatever.

11. The officers herein mentioned shall each, within ten days after receiving the certificate of his election, take and subscribe an oath that he will truly, faithfully and impartially discharge the duties of his said office so long as he shall continue therein. The recorder shall take such oath before some person authorized to administer the same, and shall thereupon be authorized to administer the same to other officers, and shall keep a record thereof in the the journal of the council. And if any of these officers shall fail within ten days

so to qualify his office shall be vacant; and whenever a majority of the members of the common council shall have qualified they shall enter upon their said offices and shall supersede the former council of said town.

12. The mayor shall be elected by the qualified voters of the town of Harrisonburg for the term of two years and until his successor shall be elected and qualified, and no person shall be qualified to hold the office of mayor except such as shall be qualified to hold office under the constitution of this state. His salary shall be fixed by the town council, payable at stated periods, and no regulation increasing or diminishing such compensation after it has been once fixed shall be made to take effect until after the expiration of the term for which the mayor then in office shall have been elected. The salary of the mayor when fixed shall so continue until changed by the town council as aforesaid.

13. It shall be his duty to communicate to the council annually, as soon as may be after the fiscal year, and oftener if he shall deem it expedient or be required by said council, a general statement of the situation and condition of the town in relation to its government, finances and improvements, with such recommendations as he may deem proper.

14. He shall exercise a constant supervision over the conduct of all subordinate officers, have power and authority to investigate their acts, have access to all books and documents in their offices, and may examine said officers and their subordinates on oath. He shall also have power to suspend all officers elected by the council until the next regular meeting of the council for misconduct in office or neglect of duty, to be specified in the order of suspension, and of the suspension of such officer or officers the mayor shall report the same, with his reasons therefor, to the council at their next regular meeting.

15. In case of the absence or inability of the mayor the recorder shall possess the same powers and discharge the municipal duties of the mayor during such absence or inability.

16. In case a vacancy shall occur in the office of mayor the council shall elect a qualified person to fill the vacancy until the first general election which may be held in the town thereafter, when the vacancy shall be filled by election.

17. He shall have jurisdiction to try all violations of the town ordinances, and inflict such punishments and impose such fines as may be prescribed for a violation of the same, and in all criminal cases occurring within the town he shall exercise all the powers and authority of a justice of the peace of the county of Rockingham and be entitled to the fees in such cases by law allowed to justices of the peace.

18. The council of the town shall be composed of nine members, who shall be residents of the town and qualified to hold office. They shall be elected and hold their office for two years.

19. In case of any vacancy happening in the town council by death, resignation, removal or otherwise the council shall elect by

ballot a qualified person to fill the vacancy until the next election which may be held in the town.

20. When from any cause the mayor shall be absent the council shall elect a president pro tempore, who shall preside over the council during the absence of the mayor. The minutes and record of the proceedings of the council shall be signed by the mayor. The mayor shall have power to call a meeting of the council whenever he deems it necessary, and in case of his absence or inability or refusal the council may be convened by the order, in writing, of any three members of the council.

21. The council shall, by ordinance or resolution, fix the time for their stated meetings; and no business shall be transacted at a special meeting but that for which it shall be called.

22. The council shall have authority to adopt such rules and appoint such officers or committees as they shall deem proper for the regulation of their proceedings and for the convenient transaction of business; to compel the attendance of absent members; to punish its members for disorderly behavior; and, by a vote of three-fourths of the whole council, to expel a member for malfeasance in office. They shall keep a minute book in which the recorder shall, in a brief manner, note the proceedings of the council, and shall record said proceedings at large on the record book, and keep the same properly indexed. The meetings of the council shall be open except when the public welfare shall require secrecy.

23. A majority of the members of the council shall constitute a quorum for the transaction of business; but no ordinance shall be passed nor resolution adopted, having for its object the appropriation or borrowing of money, except by the concurrence of at least eight members; and upon the demand of any member, on the passage of any ordinance or resolution, the yeas and nays shall be taken and entered on the record. No vote or question decided at a stated meeting shall be reconsidered or rescinded at a special meeting unless there be at least nine members present, and seven of them shall concur.

24. The town council shall have, subject to the provisions of this act, the control and management of the fiscal and municipal affairs of the town, and of all property, real and personal, belonging to said town, and may make such ordinances, orders and by-laws relating to the same as they shall deem proper and necessary; and they shall likewise have power to make such ordinances, orders, by-laws and regulations as they may deem necessary and proper to carry out the following powers which are hereby vested in them:

First. To establish a market, or markets, in and for said town and appoint proper officers therefor; prescribe the time and places for holding the same, provide suitable buildings and grounds therefor, and to enforce such regulations as shall be necessary and proper to prevent huckstering, forestalling or regrating.

Second. To erect and provide, in or near said town, suitable work-houses, houses of correction and reformation, and houses for the reception and maintenance of the poor and destitute; and they shall possess and exercise authority over all persons within the

limits of the town receiving or entitled to the benefit of the poor laws; appoint necessary officers and other persons proper to be connected with the aforesaid institutions, and regulate pauperism within the limits of the town; and the council, through the agency they shall appoint for the direction and management of the poor of the town, shall exercise the powers and perform the duties vested by law in overseers of the poor.

Third. To erect and keep in order all public buildings necessary and proper for said town; to erect within the town a town prison; and said prison shall contain such apartments as shall be necessary for the safe-keeping and employment of all persons confined therein.

Fourth. To establish, enlarge or operate a system of sewerage, water-works, gas-works, telephone-works and electric-light works within or without the limits of the town; to contract or agree with the owners of any land for the use and purchase thereof, or to have the same condemned according to law, within or without the town, for the location, extension and enlargement of their said works, the pipes or wires connected therewith, or any of the appurtenances or fixtures thereof; and shall have power to protect from injury, by ordinances prescribing adequate penalties, the works, pipes, fixtures and land, or anything connected therewith, whether within or without the limits of the said town.

Fifth. To close or extend, widen or narrow, lay out, graduate, curb and pave, and otherwise improve streets, sidewalks, and public alleys in the town, and have them kept in good order and properly lighted; and over any street or alley in the town which has been or may be ceded to the town, or conveyed to the town, by proper deed they shall have like power and authority as over other streets and alleys; they may build bridges in and culverts under said streets, and may prevent or remove any structure, obstruction, or encroachment over or under or in any street, sidewalk, or alley in said town; and may permit shade-trees to be planted along said streets; but no company shall occupy with its works or appurtenances thereof the streets, sidewalks, or alleys of the town without the consent of the council, duly entered of record; and wherever, in the construction of any sewer or duct, it is necessary that the same should pass through or under private property, the said council shall have authority to contract and agree with the owners thereof for the use and purchase of the right of way through or under the same, or have the same condemned according to law, and in the meantime no order shall be made and no injunction shall be awarded by any court or judge to stay the proceedings of the town in the prosecution of its work, unless it be manifest that they, their officers, agents, or servants are transcending the authority given them by this act, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated for in damages. The said council shall also have power to authorize the laying down of railway tracks and the running of cars thereon by horse power, electricity, or other motive power, in the streets of the town, under such regulations as the council may prescribe.

Sixth. To prevent the cumbering of streets, sidewalks, alleys,

lanes, or bridges in the town in any manner whatever, and to have full and complete control of the same.

Seventh. To determine and designate the route and grade of any railroad to be laid in said town, and to restrain and regulate the speed of bicycles, traction engines, locomotives, engines and cars upon the railroads within said town, and may wholly exclude such engines or cars, if they please, provided that no contract be hereby violated.

Eighth. To make provision for and regulate the weighing of hay, fodder, oats, shucks, or other long forage; they may also provide for measuring corn, oats, grain, coal, stone, wood, lumber, boards, potatoes, and other articles for sale or barter.

Ninth. To require every merchant, retailer, trader and dealer in merchandise, or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the town sealer and to be subject to his inspection, and may impose penalties for any violation of any such ordinance.

Tenth. To secure the inhabitants from contagious, infectious or other dangerous diseases; to establish, erect and regulate hospitals; to provide for and enforce the removal of patients to said hospitals; to appoint and organize a board of health for said town, with the authority necessary for the prompt and efficient performance of its duties.

Eleventh. To require and compel the abatement and removal of all nuisances within said town at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be; to prevent and regulate slaughter-houses and soap and candle factories and tanneries within said town, or the exercise of any dangerous, offensive or unhealthy business, trade or employment therein, and to regulate the transportation of coal and other articles through the streets of said town.

Twelfth. If any ground in the said town shall be subject to be covered with stagnant water, or if the owner or owners, or occupiers or occupiers, thereof shall permit any offensive or unwholesome substance to remain or accumulate therein, the council may cause such grounds to be filled up, raised or drained, or may cause such substance to be covered, or to be removed therefrom, and may collect the expense of so doing from the said owner or owners, occupier or occupiers, or any of them, by distress and sale, in the same manner in which taxes levied upon real estate for the benefit of said town are authorized to be collected; provided, that reasonable notice shall first be given to said owners or their agents. In case of non-resident owners who have no agent in said town, such notice may be given by publication for not less than four weeks in any newspaper printed in said town.

Thirteenth. To direct the location of all buildings for storing gunpowder, fire-crackers or other fire-works manufactured or prepared therefrom, kerosene oil, nitro-glycerine, camphene, burning fluid or other combustible material; to regulate the exhibition of fire-works, the discharge of fire-arms, the use of candles and lights in barns,

stables and other buildings, and to regulate or restrain the making of bonfires in streets and yards.

Fourteenth. To prevent horses, cattle, hogs, dogs and all other animals from running at large in said town, and may subject the same to such confiscations, regulations and taxes as they may deem proper; and the council may prohibit the raising and keeping of hogs in the town or any part thereof.

Fifteenth. To prevent the riding or driving of horses or animals at an improper speed, throwing stones, or the engaging in any employment or sport on the streets, sidewalks or public alleys dangerous or annoying to passengers, and to prohibit and punish the abuse or cruel treatment of horses or other animals in said town.

Sixteenth. To restrain and punish drunkards, vagrants and street beggars; to prevent vice and immorality, obscenity and profanity; to preserve peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses; to prevent and punish lewd, indecent and disorderly conduct or exhibitions in said town, and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

Seventeenth. To prevent, forbid and punish the selling or giving of liquors and intoxicating drinks to be drunk in any place not duly licensed, and the selling or giving to be drunk any intoxicating liquor to any child or minor, and the selling or giving of cigarettes to any minor under sixteen years of age, without the consent in writing of his or her parents or guardian; and for any violation of any such ordinance may impose fines in addition to those prescribed by the law of the state.

Eighteenth. To prevent the coming into the town of persons having no ostensible means of support and of persons who may be dangerous to the peace and safety of the town, and for this may require any railroad company, or stage company, or any person or persons, bringing such persons to said town to enter into bond, with satisfactory security, that said persons shall not become chargeable to the town for the period of one year thereafter, or may require and compel said company or persons to take them back from whence they brought them, and compel said persons to leave the town, provided that such order to leave be issued within thirty days after their arrival.

25. Where, by the provisions of this act, the council have authority to pass ordinances on any subject, they may prescribe any penalty, not exceeding five hundred dollars, for violation thereof, and may provide that the offender, on failing to pay the penalty recovered, shall be imprisoned in the jail of the town, or in the jail of Rockingham county, for any term not exceeding ninety days, which penalty may be prosecuted and recovered, with costs, in the name of the town of Harrisonburg; and the town council may subject the parent or guardian of any minor, or the mistress or master of any apprentice, to any such penalty for any such offence committed by any such minor or apprentice.

26.. No ordinance hereafter passed by said council, for the viola-

tion of which any penalty is imposed, shall take effect until the same shall have been published either in one or more of the town newspapers or by handbills, or as the council may order; such handbills shall be posted in at least ten public places in different localities in said town. A certificate of such posting shall be filed by the chief of police in the office of said council; and all laws regulating and ordinances of said council, certified by the clerk, may be read in evidence in all courts of justice, and all proceedings before any officer, body or board in which it shall be necessary to refer thereto, but after the expiration of six months from the date of such ordinance its publication shall not be questioned or its validity affected by any failure to publish the same.

27. The town council shall not take or use any private property for streets or other public purposes without making to the owner thereof just compensation for the same; but in cases where the council shall fail, by agreement, to obtain title to the ground for such purposes, it shall be lawful for said council to apply to and obtain from the circuit or county court of Rockingham county for authority to condemn the same, which shall be applied for and proceeded with according to law.

28. In every case where a street in said town has been or shall be encroached upon by any fence, building, or otherwise, the council may require the owner, if known, or, if unknown, the occupant of the premises encroaching, to remove the same; and if such removal be not made within the time prescribed by the council they may impose a penalty of five dollars for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed, and collect from the owner all reasonable charges therefor, with costs, by the same process that they are hereinafter empowered to collect taxes. No encroachments upon any street, however long continued, shall constitute an adverse possession to or confer any right upon the person claiming thereunder or against the said town.

29. Whenever any street, alley, or lane in said town shall be opened to and used as such by the public for the period of five years, unless notice of a contrary intention on the part of the land-owner be given to the mayor of the town, the same shall hereby become a street, alley, or lane for public purposes, and the council shall have the same authority and jurisdiction over and rights and interest therein as they have by law over the other streets, alleys, and lanes laid out by them; and any street or alley reserved in the division of subdivision into lots of any portion of the territory within the corporate limits of said town by a plat or plan of record shall be deemed and held to be dedicated to public use, unless it appears by said record that the street or alley so reserved is designed for private use; but upon a petition of a majority of the persons interested therein the council shall have the power to open the same for the use of the public.

30. Whenever any new street shall be laid out, a street graded or paved, a culvert built, or any other public improvement whatsoever made, the council shall determine what portion, if any, of the expense thereof shall be paid out of the town treasury and what por-

tion by the owner of the real estate benefited thereby, and may order and direct that the whole expense be assessed upon the owners of real estate benefited thereby. But no such public improvement shall be made, to be defrayed in whole or in part by local assessments until first requested by a petition signed by the owners of at least three-fourths in value of property to be assessed for such improvements, or unless three-fourths of all the council shall concur in voting any improvements to be expedient, or in determining to make the same, in which case no petition or request shall be necessary. The council shall have the same power to collect such local assessments for improvements as are hereby vested in them for the collection of taxes, except that said assessment shall not be a personal debt of the owner of the property, but only a lien on the real estate hereinafter provided. Whenever such local assessments are levied by the council the recorder shall enter in a book, to be provided by the town and kept in his office, the name of the owner of said property, a description of the property, the amount of such assessment, the date of the assessment and the time when the same is payable, and such entry, when so made and properly indexed in the name of the owner, shall be notice to all parties, and especially to purchasers from said owner, of the lien of the town upon said property for the amount of such assessment from the time said list is recorded by the county clerk in a book kept for the purpose in the clerk's office of the county court of Rockingham county, which book, and the fees for recording the list in the same, shall be paid for by the town of Harrisonburg, which lien may be enforced by bill in equity in the circuit court of the county of Rockingham.

31. The council shall grant and pay to all town officers elected under or appointed in pursuance of this act such salaries or compensation as the said council may from time to time deem just and proper.

32. If any person, having been an officer of said town, shall not within ten days after he shall have vacated or been removed from office, and upon notification and request of the mayor, or within such time thereafter as the council shall allow, deliver over to his successor in office all property, books, and papers belonging to the town, or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the town the sum of five hundred dollars, to be sued for and recovered, with costs; and all books, records, and documents used in any such office by virtue of any provision of this act, or of any ordinance or order of the town council, or any superior officer of said town, shall be deemed the property of the said town and appertain to said office, and the chief officer thereof shall be responsible therefor.

33. There shall be one town treasurer, one assessor, and one sergeant for the town.

34. The town council may appoint, in addition to those herein provided for, such officers and clerks as they may deem proper and necessary, and define their powers and prescribe their duties and fix their compensation, and may take from any officer so appointed a bond, with

sureties to be approved by the council, in such penalty as they may deem proper, payable to the town by its corporate name, with condition for the faithful discharge of said duties. All officers appointed by the council may be removed from office at their pleasure. In case of any vacancies occurring in any municipal office, where it is not herein otherwise provided, the town council shall elect a qualified person to fill such office during the unexpired term; but two-thirds of the council shall concur in creating any such office, or in afterwards abolishing it.

35. There shall be elected by the qualified voters of the town of Harrisonburg on the fourth Thursday in July next, and on the fourth Thursday in July in every second year thereafter, one treasurer, who shall hold office for the term of two years and until his successor be elected and qualified, unless sooner removed from office. He shall qualify before the council and give bond, with surety approved by it, in a penalty to be determined by the council, but not less in any case than double the amount that will probably be in the hands of said treasurer as treasurer of the town at any one time.

36. The said treasurer shall receive all money belonging to the town, and shall keep his office in some convenient place in the town. He shall keep his books and accounts in such manner as the town council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and any member of the town council, or any committee or committees thereof.

37. No money shall be paid out by the treasurer except upon a warrant of the recorder of the council, countersigned by the mayor of the council; and he shall keep a separate account of each fund on appropriation, and the debits and credits belonging thereto.

38. All moneys to be paid into the treasury of the town except taxes and such other assessments as the town council may so ordain, shall be paid by the person liable to pay the same, or his agent, to the treasurer in the following manner: A warrant shall first be obtained from the recorder of the council directing the treasurer to receive the sum to be paid, specifying on what account the payment is to be made; upon the payment of the money to the treasurer he shall give a receipt for the same, which shall be carried to the recorder, and his receipt therefor shall be the acquittance of the party making the payment.

39. The treasurer shall also report to the town council at the end of each fiscal year, and oftener if required, a full and detailed account of all receipts and expenditures during the preceding year, and the state of the treasury. He shall also keep a register of all warrants—their dates, amount, number, the fund from which paid, and the person to whom paid, specifying also the time of payment; and all such warrants shall be examined at the time of making such report to the town council by the finance committee thereof, who shall examine and compare the same with the books of the recorder and report discrepancies, if any, to the town council.

40. The treasurer shall collect all taxes and assessments which may be levied by said town, and for that purpose shall be invested with the power and be subject to the liabilities and penalties now

prescribed by law in regard to county treasurers. He shall also perform such other duties as may be herein prescribed or ordained by the town council. He may appoint one or more deputies to aid him in the duties of his office, who shall qualify in the manner now prescribed for the qualification of sergeants, who may perform all the duties devolved on the treasurer by law, and shall be subject to removal by him or by the town council. The treasurer may take from any person so appointed such bonded security as he shall deem necessary for his indemnity; the treasurer and his surety shall nevertheless be responsible for the performance of the duties of any such deputy.

41. All moneys received on any special assessment shall be held by the treasurer as a special fund to be applied to the payment for which the assessment was made, and said money shall be used for no other purpose whatever.

42. The treasurer shall be required to keep all moneys in his hands belonging to the town in such place or places of deposit as the town council may by ordinance provide, order, establish or direct; such moneys shall be kept separate and distinct from all moneys, and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody or keeping for his own use and benefit or that of any person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office. In case of his removal the town council shall elect a qualified person to fill said office until the next general election which may be held in the town. The compensation of the treasurer shall be fixed by the council.

43. There shall be elected by the qualified voters of the town of Harrisonburg on the fourth Thursday in July next, and on the fourth Thursday in July of every second year thereafter, one recorder, who shall attend the meetings of the town council and keep a record of its proceedings. He shall have the custody of the corporate seal. He shall keep all papers that, by the provision of this act or the direction of the town council, are required to be filed with or kept by him. It shall also be his duty immediately after the close of each session of the town council to make and present to the mayor a transcript of every ordinance, resolution or order concerning any public improvement or for the payment of any money, and every ordinance, resolution, order and act of a legislative character passed by the town council at such session. He shall, in like manner, transmit to the treasurer a transcript of all ordinances, resolutions or orders appropriating money or authorizing the payment of money, the issue of bonds or notes. He shall, in like manner, give notice to all parties presenting communications or petitions to the town council of the final action of the council on such communication or petition. He shall publish such reports and ordinances as the town council is required by this act to publish, and such other reports and ordinances as it may direct, and shall in general perform such other acts and duties as the town council may from time to time require of him.

44. There shall be elected by the qualified voters of the town of

Harrisonburg, on the fourth Thursday in July next, and on the fourth Thursday in July in every second year thereafter, one assessor, who shall hold office for the period of two years, and until his successor shall be elected and qualified, unless sooner removed from office. He shall give bond with surety, in such amount as the council may determine, said bond to be approved by the town council, entered on their record and filed in the office of the town recorder.

In case a vacancy shall occur in the office of the assessor the town council shall elect a qualified person to fill said office until the next general election which may be held for the town.

45. The said assessor shall perform all the duties in relation to the assessment of property for the purpose of levying the town taxes that may be ordered by the town council. He shall keep his office in some convenient place in said town, and shall keep therein such books, schedules, records and other papers, and in such manner as the mayor and town council may direct and prescribe, which books, schedules, records and other papers shall be subject to the inspection and examination of the mayor, the members of the town council, or any committee or committees thereof, and of the collector of the town taxes. His compensation shall be fixed by the town council.

46. There shall be elected by the qualified voters of the town of Harrisonburg on the fourth Thursday in July next, and on the fourth Thursday in July in every second year thereafter, one town sergeant, who shall collect all fines and penalties imposed by the town council, the mayor, or other officer of the town, unless otherwise ordered by the council, and shall within the town and for two miles outside of the corporate limits thereof, exercise all the powers and perform all the duties that a constable can legally exercise and is required to perform, in regard to making arrest, the collection of claims, and executing and levying process. He shall be entitled to the same compensation therefor, and shall, together with his sureties, be liable to all the fines and forfeitures to which a constable is now or shall hereafter be liable, to be recovered in the same manner and before the same tribunals as such fines and forfeitures are now or shall hereafter be made recoverable against constables.

47. The council of the town may elect a collector of taxes, who shall collect all taxes and claims of all kinds due to said town of Harrisonburg placed in his hands by the town treasurer, and for that purpose shall have all the powers and authority and be subject to the same liabilities and penalties as are prescribed for county treasurers in the collection of state and county taxes and claims, and may be proceeded against in the same manner so far as is applicable and not inconsistent with this act. The treasurer, when so ordered by the council, shall place in the hands of the said collector for collection all town taxes required by the order and all other claims at such time as directed by the town council, and take his receipt therefor. The said collector shall proceed at once to collect said taxes and claims, and shall pay over to the treasurer of the town (or into the treasury of the town, as may be prescribed by the council) weekly, or oftener if he thinks proper, all moneys which may come

into his hands for taxes or otherwise belonging to the said town. He shall make full and complete quarterly settlements on the fifteenth days of October, January, April and July of each year with the town treasurer, under the supervision of the finance committee of the council, for all taxes and claims that may come into his hands. He shall report to the council in writing at each stated meeting the amount of all moneys collected by him for the town and paid over as herein directed. Said collector's receipts to the town treasurer for all taxes and claims thus paid in his hands for collection shall be a voucher for said treasurer in his settlement with the town council, and he (the said treasurer) shall receive no compensation for any taxes or claims thus collected by the said tax collector. Before entering upon the duties of his office as collector of the town taxes and other claims, as above set forth, he (the said collector) shall furnish a bond, to be approved by the council, in such sum as the council may direct, said bond to be payable to the town of Harrisonburg and conditioned for the faithful discharge of the duties of said officer; and said bond shall be entered on the records of the council and the original shall be filed with the recorder of said town. And the council for said town shall by ordinance prescribe the compensation to be allowed said collector for the performance of his duties under this act.

48. The finances.—The council may, within the limits in taxation hereinafter set out, in the name of and for the use of the town, contract loans, or caused to be issued certificates of debt or bonds, but such loans, certificates or bonds shall not be irredeemable for a period greater than thirty years; provided, however, that said council shall not contract such loans or issue such certificates of debt or bonds for the purpose of subscribing to the stock of any company incorporated for internal improvement or other purposes; and provided, further, that the said council shall not indorse the bonds of any company whatsoever, nor shall the bonded indebtedness of the town at any time exceed twelve per centum of the aggregate assessment of real and personal property.

49. Whenever hereafter there shall be contracted by the council any debt not payable within one year thereafter, there shall be set apart annually for thirty years, or until the debt is paid, a sum of not less than one per centum of the amount of such debt, in addition to the annual interest agreed to be paid thereon, which sum shall be applied and invested towards the payment of such debt.

50. The town council may levy a tax on water and gas, on licenses to agents of insurance companies whose principal office is not located in said town, on telegraph, telephone, and electric-light works, to auctioneers, to public theatricals or other performances or shows, to keepers of billiard tables, and ten-pin alleys, to hawkers and peddlers, to agents for the renting of real estate, to commission merchants and any other business for which a license could be required by the state, within the limits of the constitution.

51. Any payment of taxes made by the tenant, unless under an express contract contained in his lease, shall be a credit against the person to whom he owes the rent; and where any tax is paid by a

fiduciary on the interest or profit of money of an estate invested under an order of court or otherwise, the tax shall be refunded out of such estate.

52. The council may grant or refuse licenses to owners or keepers of wagons, drays, carts, hacks and other wheeled carriages kept or employed in the town for hire; and may require the owners or keepers of wagons, drays or carts using them in the town, to take out a license therefor, and may assess and require taxes to be paid thereon, and subject the same to such regulations as they may deem proper; and may prescribe the fees and compensation.

53. All goods and chattels, wheresoever found, may be distrained and sold for taxes assessed and due thereon; and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession.

54. There shall be a lien on real estate for the town taxes as assessed thereon from the commencement of the year for which they were assessed; and there shall also be a lien on real estate, on which local assessments for improvements may be made for the amount of such assessments from the time the same is levied by the council. The council may require real estate in the town delinquent for the non-payment of taxes or assessments, to be sold for the said taxes or assessments, with interest thereon from the time the same is delinquent, at the rate of six per centum per annum, and ten per centum of the amount of the tax to cover cost and charges, exclusive of costs attending the redemption thereof, as hereinafter provided, and cause a good and sufficient deed to be made to the purchaser.

55. It shall be the duty of the treasurer of the town to make and deliver to the council at their regular meeting in July in each year a list of all real estate whereon delinquent taxes or assessments are due; and thereupon the treasurer of the town under the direction of the town council, and when so ordered by it, shall cause a notice of the time and place of such sale to be published in one or more of the newspapers published in the said town at least ten days previous to the sale; and he shall also cause to be published in one or more of said papers on some day not more than twenty days nor less than ten days previous to the sale a list of the several parcels of real estate in the same manner as the same is described in the assessment rolls in which the said tax or assessment is imposed thereon, together with the name of the person to whom each parcel is assessed, and the amount of the tax or assessment due thereon.

56. If such tax or assessment and the six per centum interest, and the ten per centum costs and charges aforesaid, be not paid previous to the day for which said sale was advertised, or on some day immediately thereafter to which said sale may be adjourned, the treasurer shall proceed to make sale accordingly of the said parcels of real estate, or so much thereof as shall be necessary to satisfy the interest, taxes and charges aforesaid, to the highest bidder; and the sale may be adjourned from day to day until it shall be completed. On such sale the treasurer shall execute to the purchaser a certificate of sale

in which the property purchased shall be described and the aggregate amount of taxes or assessments, with the interests and costs, specified; but the treasurer shall not for himself, either directly or indirectly, purchase any real estate so sold.

57. If at any sale no bid shall be made for any such parcel of land, or such bid shall not be equal to the tax or assessment, with interest and costs thereon, then the same shall be struck off to the town. On such sale the treasurer shall execute to the town a certificate of sale, in which the property purchased shall be described and the aggregate amount of tax or assessment, with interest and costs specified, and shall deposit such certificates with the recorder of the town.

58. The owner of any real estate so sold, his heirs or assigns, or any person having the right to charge such real estate for a debt, or otherwise interested therein, may redeem the same by paying to the purchaser, his heirs or assigns, within two years from the sale thereof, the whole amount paid by said purchaser, and such additional taxes thereon as may have been paid by the purchaser, his heirs or assigns, with interest thereon at the rate of six per centum per annum; or, if purchased by the town, with such additional sum as would have accrued for taxes thereon if the same had not been purchased by the town, with interest on the said purchase money and taxes at the rate of twelve per centum per annum from the time that the same may have been so paid; or the same may be paid within the said two years to the said town treasurer in any case in which the purchaser, his heirs or assigns, may refuse to receive the same, or may not reside or cannot be found in the town of Harrisonburg. And the said town may sell and convey any such real estate so purchased.

59. Any infant, insane person, or persons in prison, whose real estate may have been so sold, or his heirs, may redeem the same by paying to the purchaser, his heirs or assigns, within two years from the removal of the disability, the amount for which the same was so sold, with the interest and costs as aforesaid, and such additional taxes on the estate as may have been paid by the purchaser, his heirs or assigns, and the appraised value of any improvement that may have been made thereon, with interest on the said items at the rate of six per centum per annum from the time they may have been paid. Upon such payment, and the payment of such additional sum as may have been incurred by the purchaser in obtaining a deed, within two years after the removal of such disability, the purchaser, his heirs or assigns, shall, at the cost of the original owner, his heirs or assigns, convey to him or them, by deed with special warranty, the real estate so sold.

60. If any real estate so sold be not redeemed within the time allowed for redemption, the purchaser of such real estate, or his assigns, may thereupon petition the mayor and council that the property shall be conveyed to him; and thereupon, after due notice to the party or parties for whose delinquent taxes said real estate was sold, either by personal service, or, in the event personal service cannot be had by reasons of non-residency or disability of any kind, by publication for four successive weeks in some newspaper published in the town of Harrisonburg, the said council shall deter-

mine whether or not the requirements as to the assessment, the sale, the purchase, and the period of redemption shall have been complied with; and if upon such inquiry it be ascertained that the same have been regularly complied with, and that the purchaser, or his assigns, is entitled to a conveyance of said real estate, the council shall direct the same to be conveyed by the recorder of the town. Where the purchaser has assigned the benefit of his purchase, the deed may be, with his consent evidenced by his joining therein, or by writing annexed thereto, executed to his assignee. And if the purchaser shall have died, his heirs or assigns may move the council to order the recorder of said town to execute a deed conveying the property to such heirs or assignee; such inquiry shall be deemed conclusive as to regularity of all proceedings connected therewith.

61. When the purchaser of any real estate sold for taxes, his heirs or assigns, shall have obtained a deed therefor, and within sixty days from the date of such deed shall have caused the same to be recorded, such estate shall stand vested in the grantee in such deed as was vested in the party assessed with the taxes (on account whereof the sale was made), or any party claiming under or through him at the commencement of the year for which the said taxes were assessed, notwithstanding any irregularity in the proceedings in which the grantee claims title, unless such irregularity appears upon the face of the proceedings. And if it be alleged that the taxes for the non-payment of which the same was made were not in arrears, the party making such allegation must establish the truth thereof by proving that the taxes were paid.

62. The council may organize and maintain a fire department for the town, and appoint a chief engineer, assistant, and other officers, with any and all of the powers which may have been or may be vested by law in such officers; and may make rules and regulations for the government of the officers and men of said department, may prescribe their respective duties in case of fire or alarms of fire, may fix their pay, and may impose reasonable fines for the breach of such regulations, and may make such ordinances as they may deem proper to extinguish and prevent fires, to prevent property from being stolen, and to require citizens to render assistance to the fire department in case of need.

63. All property, real and personal, within said town shall be subject to taxation by said town except in cases where there are exemptions by the constitution and general laws of this commonwealth; but the rate of taxation for all purposes in said town, together with the levy authorized by the act approved January twenty-ninth, eighteen hundred and ninety-four, for the purpose of paying the interest upon the bonded indebtedness of the town, shall not exceed the rate of one dollar and twenty-five cents upon the one hundred dollars of assessed value of real and personal property of said town, and out of each annual levy there shall be laid aside by the council a sufficient amount for the semi-annual interest on the bonds authorized by and issued under the act of January twenty-fourth, eighteen hundred and ninety-four, before any portion thereof is appropriated to any other purpose; and in the event there is created by the town

any additional bonded indebtedness at any time, as authorized by the provisions of this charter, there shall be first laid aside out of the entire revenue of the town, except the school tax, after making due provision for the interest on said bonds issued under the act of January twenty-ninth, eighteen hundred and ninety-four, a sum sufficient to meet the semi-annual interest on said bonds before any portion of said revenue except the school tax is appropriated to any other purpose; but the council, by a three-fourths vote, may exempt from taxation by the town any bonds hereafter issued under the provisions of this charter, subject to the exemption in taxation allowed by the constitution and general laws of this state. No species of property, real or personal, shall be exempt from taxation by said town except that the council, by a three-fourths vote, may for a period not exceeding five years, in order to induce the location within the town of new industrial enterprises, exempt the improvements made and the capital invested in the same from all taxes except the school tax, but such exemption shall not continue for a longer period than said five years.

64. For the purpose of guarding against the calamities of fire the town council may from time to time designate such portions and parts of the town as they may deem proper within which no buildings of wood shall be erected; they may prohibit the erection of wooden buildings in any portion of the town without their permission, and shall, on the petition of the owner or owners of at least one-fourth of the ground included in any square of the said town, prohibit their erection on such square of any building, or addition to any building, unless the outer walls thereof be made of brick and mortar or stone and mortar, and may provide for the removal of any such building or addition which shall be erected contrary to such prohibition at the expense of the builder or owner thereof; and if any such building shall have been commenced before said petition can be acted upon by the council, or if any building in progress of erection appears clearly to be unsafe, the council may cause such building to be taken down.

65. All ordinances now in force in said town, not inconsistent with this act, the laws of this state and of the United States, shall be and remain in force until altered, amended or repealed by said council.

66. All acts and parts of acts inconsistent with this act are hereby repealed.

67. This act shall be in force from its passage.

CHAP. 577.—An ACT to amend and re-enact an act approved February 23, 1888, as amended by an act entitled "an act to amend and re-enact the charter of the town of Waynesboro," approved January 28, 1892, and to authorize said town to issue bonds for water and cemetery purposes.

Approved March 8, 1896.

1. Be it enacted by the general assembly of Virginia, That the whole charter of the town of Waynesboro, in the county of Augusta, approved January the twenty-sixth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

The territory contained within the limits of said town shall be as follows, to-wit: Beginning at the corner of the corporation line of Basic City, at the northern boundary line of the right-of-way of the Chesapeake and Ohio railway, in the middle of South river, near the railroad bridge; thence in a southerly direction with the corporate line of Basic City to a point in the middle of South river, near Patterson's mill-dam; thence along the middle of said river south to the intersection of Fifth street with said river; thence along Fifth street to its point of intersection with Locust avenue (as designated on the map of the Waynesboro company); thence with the line of said Locust avenue north to Second street; thence north to Sycamore alley, at its point of intersection with Plumb's alley; thence along said alley north across Main street, and out by the Waynesboro creamery to the intersection at Hipperts with the New Hope road; thence northeast across the Albert Bush lot to the northern boundary line of the Chesapeake and Ohio railway company's right-of-way; thence along the line of said right-of-way in an easterly direction to the place of beginning.

2. Be it enacted by the general assembly of Virginia, That the town of Waynesboro, in the county of Augusta, as the same has been and may hereafter be laid off into lots, streets and alleys, shall be, and the same is hereby, made a town corporate by the name of Waynesboro, and by that name shall have and exercise all the powers, rights, privileges and immunities conferred upon towns of less than five thousand inhabitants by the laws of the commonwealth of Virginia, so far as such laws do not conflict with the provisions of this act.

3. That the administration and government of said town shall be vested in a council of seven, who shall be electors of said town, one of whom shall be designated for mayor, and the remaining six for councilmen, to be chosen on the fourth Thursday in May, eighteen hundred and ninety-two, and every two years thereafter, by the qualified voters of said town, after a notice of fifteen days preceding said election shall have been given. The registration of voters in said town, and all elections for whatever purpose, shall be held as provided by law, after fifteen days' notice, by hand-bills or written notices, to be posted at ten or more places within the corporate limits; said notices to be posted by the town sergeant. On the first day of July next succeeding any regular election for mayor and

councilmen the said mayor and councilmen shall qualify and enter upon the discharge of their duties, and shall remain in office until their successors are elected and qualified according to law. Three members of said council and the mayor, or four members, one of whom shall be elected president pro tempore, shall constitute a quorum for the transaction of business. In case any two or more persons receive the same number of votes at any election for mayor and councilmen, the succeeding council shall determine by lot who shall be declared elected; and in case of a vacancy in the office of mayor or councilmen by death, resignation, or otherwise, the said council may fill said vacancy in the office of councilmen from the qualified voters of the town, and in the office of mayor from the body of the council, or the electors of the town. The said council shall appoint a registrar, who shall register the qualified voters of the town in the manner prescribed by law; and three judges of election, who shall also be commissioners of election, who shall discharge their duties in accordance with the law for the government of judges and commissioners of election. One of said judges may also act as the clerk of election.

4. The mayor, as chief magistrate of the corporation, shall have all the powers, rights and privileges such office confers in the general law governing towns of less than five thousand inhabitants; and in civil cases that may arise within the corporate limits he shall have and exercise all powers vested in justices of the peace by the laws of the state. The said mayor shall be president of the council, and as such he shall preside in all their meetings. The mayor or any three members may call a special session of the council. In case of a tie upon any question that may be before the council for consideration the mayor shall have the casting vote. Any member of the council being absent from three regular meetings of the council may be removed from the same by the vote of four members thereof, and the place filled according to the provisions of this charter.

5. The council shall at their first meeting, and every two years thereafter, elect from their own body, or the qualified voters of the town, a secretary and a treasurer. It shall be the duty of the secretary to keep a fair and just record of the proceedings of the council, and to publish in such manner as the council may indicate the ordinances and by-laws that may from time to time, be passed, for which services he shall have such compensation as the council may determine to be right and proper. The said treasurer shall receive and keep all the moneys and other funds belonging to the corporation, and pay out the same on the order of the council, drawn by the mayor and attested by the secretary. The said treasurer shall be required to give bond, with approved security, in such penalty as the council may determine, payable to them and their successors for the benefit of the town, and shall publish a statement of all his receipts and disbursements at the end of each fiscal year. Said treasurer shall collect all taxes due the said town

6. The said council shall also at their first meeting, and every two years thereafter, elect a sergeant, who shall hold office two years, or until his successor is elected and qualified. The said sergeant shall

be a conservator of the peace, and in civil cases that may arise within the corporate limits he shall be vested with all the powers the laws of the state confer upon constables; and his jurisdiction as a police officer shall extend one mile beyond the corporate limits, but not within the corporate limits of the town of Basic City. He shall possess the like rights of distress and powers in collecting corporation taxes, service of process and return thereof, arising under authority of this act, and all laws made in pursuance of it, and shall be entitled to like fees and commissions as are allowed by the laws of the Commonwealth to the collectors and constables thereof for similar duties and services. Said sergeant shall execute bond, with approved security, in such penalty as the council may deem proper, payable to them and their successors in office, for the benefit of the town, conditioned for the faithful performance of his duties and payment over to them and their successors of all moneys and funds collected and received by him in virtue of his office. And he and his securities, and his and their executors, and so forth, shall be subject to such proceedings, by motion or otherwise, before the county or circuit court of Augusta county, for the enforcement of the payment of such moneys and funds by him collected, or could have collected, and received as aforesaid, at the suit or motion of said mayor or other person entitled so to do; or said motion may be made to the mayor or council of said town. The said council may, by a two-thirds vote, remove the said sergeant from office for incompetency, misconduct, or negligence of duty, and elect another to fill the unexpired term.

7. That said town, and taxable property and persons therein, shall be exempt and free from the payment of any county road tax or poor rates, and from contributing to any county expenses for any year, in which it shall appear that said town shall, at its own expense, provide for its own poor, and keep the streets and roads in order.

8. That for the purpose of maintaining the police regulations of said town, under the authority of this act, the jurisdiction of the corporate authorities shall be, and the same is hereby, made to extend one mile in a direct line from the corporation limits, except that it shall only extend to the corporate lines of Basic City in those directions.

9. That the said council shall appoint an assessor, whose duty it shall be, during the month of February in each year, to assess the value of all personal estate within the corporate limits, which assessment shall form the basis of taxation of said estate. Said assessor shall also revise and correct the corporation land book of the previous year, so that it will correspond with the corrected land book of the commissioner of the revenue of South River district, in Augusta county. He shall also issue license to all persons engaged in any pursuit, business, occupation, calling, profession or other purpose for which the state laws require, or may require, a license; and also to shows and other public exhibitions within a mile of the corporate limits; but said power shall not extend within the corporate limits of the town of Basic City. The said council shall have power to levy and collect annually on all real and personal property

situated in said town, and on such other subjects as are or may be taxed by the revenue laws of the commonwealth, and also a poll or head tax, and a tax on dogs owned or kept in the corporate limits. The tax on realty and personal property shall not exceed in any one year seventy-five cents on the one hundred dollars' value thereof; and the poll or head tax for each year shall be fifty cents on each male person over twenty-one years of age.

10. The tax on dogs shall be fifty cents for each male dog and two dollars and fifty cents for each female dog, irrespective of size.

11. That all persons in pursuit of any trade, calling, occupation or profession, and residing in the corporate limits on the first day of May of any year, shall be liable to taxation under this act; and all persons entering into any trade or profession, and so forth, after the first day of May in any one year, shall be liable to a pro rata rate of taxation.

12. The said council shall have power and authority to make all necessary provisions to prevent accidents by fire, such as the purchase of fire engines, hooks and ladders, and other fixtures useful for such purpose. They shall have power to provide the town with water, by means of wells, pumps and water-works, or in any way by them deemed to be for the best interest, comfort and safety of the town, and for such purpose may levy and collect a water tax, to be imposed on each head of the family, or other person using water from the town wells, springs, hydrants and other water fixtures; said water tax to be in proportion to the amount of water used by each family or person using water from the town wells, hydrants, and so forth; and power to light the town with gas, oil or electricity. They shall have power to provide for the interment of the dead, and to regulate the same. They may also establish a market and make ordinances for the management thereof. They shall have power to open new streets and alleys, and to widen, grade, pave and improve existing streets, sidewalks, alleys, gutters and bridges, and for such purpose may levy and collect a special road tax not to exceed fifteen cents on the one hundred dollars value of taxable property. They shall have power to prevent the obstruction of streets, alleys, sidewalks, gutters, and so forth, by the hitching of horses standing of wagons, or in any way whatever, by imposing a reasonable fine for such offences. They may also punish by fine the firing of guns, or pistols, the setting fire to powder and other combustible or explosive material, the running and fast driving of horses and other animals on the streets and alleys, and all else detrimental to the peace and good order of the town. They shall have power to prescribe rules for the orderly building of houses and their proper location, such as stables, water-closets, hog-pens, cattle sheds as well as dwellings, stores and shops. They shall have power to prohibit all animals except milch cows from running at large, and beyond their owners' premises, and to pass all by-laws and ordinances not contrary to the constitution and laws of the commonwealth and of the United States, which said council may deem necessary for the carrying to effect such powers and privileges as have or may hereafter be vested in them. They shall also have power before the mayor or

acting mayor, to regulate the police, and to enforce all laws, by-laws and ordinances of the said town by a penalty not exceeding the penalty fixed by the commonwealth for like offences; said penalty or fine to be paid into the corporation fund. They shall have power to amend or repeal any by-law or ordinance, or remit any fine or taxes that may to them seem proper and just. Any ordinance or by-laws may be enforced by fine or imprisonment, or both, or in lieu of fine, by labor in chain-gang, or otherwise, at the discretion of the mayor.

13. The said council shall have power to regulate the erection and keeping in proper condition of chimneys, stoves, and stove-pipes, and to abate and remove all nuisances at the expense of those who occasion them; and for the violation of any police law, other than capital crimes and penitentiary offences, and for the violation of any special law relating to said town and not enumerated in this act, the said council shall have power to impose fines and collect the same, not to exceed fines imposed by state law for like misdemeanors, and may add to said fines imprisonment or hard labor, not to exceed the punishment imposed by the laws of the commonwealth for like offences; and all such fines shall constitute a part of the corporation fund.

14. The said council shall have power, whenever they may deem it expedient, to have the sidewalks, footways, and gutters along any street or alleys in said town, of such width as they may prescribe, properly paved or otherwise suitably improved, altered, or repaired, as they may think fit, and for that purpose may levy and collect a special tax from the abutting property owners; provided that an ad valorem tax be imposed upon abutting vacant lots, and where there are improvements such as residences or business houses, the town shall bear one-half of the expense of constructing new sidewalks, et cetera, and such abutting property owners shall be assessed to pay the other half, which assessment shall be proportioned to the number of feet that such property fronts the said sidewalks or footway. Such special tax shall be collected in the same manner as other taxes are collected, and in all cases where a lessee or tenant shall pay such special tax it shall be an offset or credit against a like amount of rent then due or that may thereafter accrue.

15. All taxes, whether general or special, assessed upon any property in said town, under the provisions of this act, are hereby declared to constitute a lien on such property; and if the sergeant or other legally authorized collector has not been able, with due diligence, to collect the said taxes by the first day of June of the succeeding year next after same were assessed, he shall at the first meeting of the council thereafter make return upon oath of the taxes he has so failed to collect, and the property upon which said uncollected taxes were assessed, and thereupon the council shall have the right to proceed in the same manner against the property so returned delinquent as the commonwealth of Virginia has in similar cases; and the clerk of the council and the treasurer of the town shall be clothed with the same powers and be subject to the same provisions of law as are given to and govern clerks of the county courts and treasurers

of the counties in like cases; and in the sale of such delinquent property the clerk of the council and treasurer of the town shall conform to the state law in such cases made and provided in all particulars, except that the sale of such delinquent property shall take place in front of the treasurer's office in Waynesboro on the fourth Wednesday in December next after the property is returned delinquent as aforesaid. The clerk of the council shall be empowered to execute deeds for property sold under the provisions of this section.

16. The said council may at any time extend the limits of said town by ordering an election to be held for such purpose in such manner as elections are usually held according to law, except a special registration shall be had, which said registration shall be closed five days before the day of election; and only owners of real estate of the assessed value (for taxation) of five hundred dollars or more within said town and within the limits of the proposed extension shall be registered. The owner of the life estate shall be preferred to the remainderman. All persons of twenty-one years of age and over, male and female, may be electors; and if it appears that two-thirds of the registered voters under this section in the said town, and also two-thirds in the said proposed extension, have voted for such extension, then, and not otherwise, said council shall declare the corporation limits extended, and accordingly proceed to make an order, to be recorded on the records of said town and in the clerk's office of Augusta county, establishing such extended limits, and accurately describing the same; but neither the town of Waynesboro nor the town of Basic City shall have the right to extend their corporate limits into the corporate limits of the other.

17. The said council shall have power to provide for the order and quiet of the Sabbath, to punish drunkenness, swearing, boisterous conduct; any interference with religious worship, and any other offence against decency and good morals, by proper penalties; and to prohibit the sale of intoxicating drinks within the corporate limits and one mile thereof; provided that any fine imposed on a minor shall be paid by his parent or guardian, and provided, further, that the prohibition of the sale of intoxicating drinks shall not apply to the town of Basic City.

18. The said council shall have power to take private property for public use, provided they shall pay a proper compensation for the same. If, however, the owner or owners of such property object, or will not agree to receive a proper price, the said council may proceed to condemn such property in the manner prescribed by the laws of the commonwealth for condemnation of private property for public use; and for this purpose the mayor's court of said town shall have the same jurisdiction as the county court has for condemning land for road purposes within the county.

19. The said council shall have power to regulate and provide for weighing and measuring hay, wood, coal and other articles sold or for sale in said town.

20. All fines, penalties and amercements, and other moneys, raised and received by virtue of this act and not otherwise directed to be

applied, shall be at the disposal of the said council for the benefit of the town. All officers now holding office under this charter shall continue to discharge the duties of their respective offices until their successors are elected and qualified.

21. The said council shall have power to fix and regulate the compensation and salaries of officers, and the wages paid for hire of teams, labor and so forth.

22. All acts and parts of sections of any charter for said town heretofore approved, except special laws relating to said town and not enumerated in any charter act, are hereby repealed.

23. The council may, in the name of and for the use of the town, contract loans, or cause to be issued certificates of debt or bonds: provided no such certificate of debt or bonds shall be issued except by a majority vote of the council, endorsed by a two-third vote of the freehold voters voting on the question, at an election which shall be held for the purpose. The manner of holding such election shall conform to the state law governing elections at the time such election is held. Any person, male or female, twenty-one years of age, and owning real estate in the town, shall have the right to vote in such election: provided that no freeholder shall have the right to vote in such election until his or her name shall have been duly registered in a special registration book at least ten days prior to such election. Such special registration book shall be furnished by the council, and they shall also appoint, at least thirty days previous to the date of such election, a suitable person as registrar, for the purpose of registering the qualified freeholders of the town. He shall advertise, by posting notices at not less than ten conspicuous places within the town, appointing a day for such registration, which day so appointed shall be at least twelve days prior to the date of such special election. Such loans, certificates or bonds, made or issued under the foregoing provisions, shall not be irredeemable for a period greater than thirty-five years; and provided, further, that any or all of any designated series of such loans, certificates or bonds may be redeemable at the option of the town council after ten years from the date of issue. The council shall provide for a sinking fund such proportion of the revenue of the town as shall be equal in cash value to one-thirtieth of any loan, certificates or bonds so made or issued. All bonds issued under the provisions of this section shall be regularly numbered and signed by the mayor, clerk and treasurer, and recorded in a book to be kept for that purpose. Said council shall not contract such loans or issue such certificates of debt or bonds for the purpose of subscribing to the stock of any company incorporated for a work of internal improvement or other purposes, without first being authorized so to do by three-fourths of the freehold voters of the town voting on the question; provided, further, that in no case shall the aggregate debt of the town at any one time exceed ten per centum of the assessed value of the property, real and personal, within the town limits; and provided, further, that the said council shall not endorse the bonds of any company whatsoever without the same authority. This section shall not be so construed as to prevent the council of said town from

issuing certificates of debt for necessary current expenses or for sums of money provided for by annual taxation.

24. All contracts for the erection of public improvements within the jurisdiction of the town council shall be let to the lowest responsible bidder, and notice shall be given at least thirty days before the work is finally let, by advertisements in a newspaper published in the town or county; and the party to whom said contract shall be let shall give such bond as the council may require; but in no event shall any contract be let to any member of the town council, nor shall any member have any personal interest in such contract. The council of said town may, in their discretion, contract with any person or corporation to exempt the property and capital invested or to be invested for manufacturing purposes within the corporate limits of Waynesboro from all corporation taxes for a period of not more than ten years.

25. It shall not be lawful to sell, barter, or in any way dispose of intoxicating liquors of any kind within the corporate limits of Waynesboro, or within one mile thereof, except that this clause shall not affect in any way the charter granted to Basic City, the one-mile limit being construed to mean in all directions other than that incorporated as the town of Basic City; nor shall it be lawful to solicit orders, or to receive orders, or to take orders unsolicited, for the sale of liquors of any kind within the corporate limits of Waynesboro; nor shall any seller of liquor receive money or any other commodity in payment for any intoxicating liquors within said corporate limits; nor shall it be lawful for any one to keep liquor deposited in any place in said corporation, for sale, barter, or exchange, either directly or indirectly. Any violation of this section shall be deemed a misdemeanor, for which a fine may be imposed of not less than twenty nor more than five hundred dollars, and in the discretion of the mayor may be confined in the county jail for not less than ten days nor more than six months. This section, or any other section in this charter, shall not have the effect to repeal chapter seventy-four of the acts of eighteen hundred and eighty-one and eighteen hundred and eighty-two, entitled "An act to authorize the voters of Waynesboro and vicinity to decide by popular vote on the propriety of selling intoxicating liquors in certain limits," approved February the ninth, eighteen hundred and eighty-two.

26. The council of the town of Waynesboro may provide, by its ordinances, such rate of speed for railroad trains running through its corporate limits as may be deemed proper for the safety of citizens and property.

27. This act shall not be construed to repeal or in anywise effect the act of the general assembly of Virginia, approved February first, eighteen hundred and ninety-four, entitled "An act to enlarge the powers of the corporation of Waynesboro, Virginia, in regard to the interment of the dead."

28. This act shall be in force from its passage.

CHAP. 578.—An ACT to provide for opening and working of roads and keeping the same in repair, and to provide for erecting and maintaining bridges in the county of Culpeper.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the county of Culpeper to locate, open, change, and repair highways, roads, and bridges as follows:

2. That for each magisterial district in the county of Culpeper there is hereby created and established a board, consisting of the supervisor, a commissioner of roads, and one of the justices of the peace for each district, which board shall have the exclusive control of the roads, bridges and ferries within its limits, and all taxes levied for road purposes and for building and repairing bridges shall be expended in said magisterial district except as hereafter provided. The justice of the peace constituting a member of said board shall be chosen and designated by the three justices of the peace elected and commissioned in the several magisterial districts, and the commissioner of roads shall be appointed by the judge of the county court as hereinafter provided. The designation of the justice who is to serve on said board shall be in writing, and shall be preserved and recorded by the board of commissioners of roads. The board hereby created and constituted is declared to be a body politic and corporate, and shall be known and designated as the board of commissioners of roads for ——— magisterial district.

3. That the sub-road districts as now laid out and described by metes and bounds within the lines of the old township shall remain as they now are unless and until they shall be changed by said board.

4. That annually there shall be appointed by the said board, not later than the first Saturday in July in each year, one overseer of roads for each sub-road district, whose term of office shall be for one year, beginning on the first day of July succeeding his appointment. He shall reside in the magisterial district in which his sub-road district lies and for which he shall have been appointed, and shall have charge of the roads of his district. If any such overseer refuses to serve after being appointed, or fail to work the roads in his district when directed by the road commissioner, he shall be liable to a fine, on presentment by the grand jury, not exceeding fifty dollars; but any person, after being overseer for two consecutive years, may give up his office on producing a certificate to the board from the road commissioner or other satisfactory evidence that the roads in his district are in proper order, and he shall not, within two years thereafter, be appointed overseer without his consent.

5. That his duties shall be to see that the roads in his district are kept in good repair, that the bridges are in a safe condition, that the roads are kept free from obstruction, that all loose stones are removed; and he shall contract for all tools and implements necessary for working the roads, subject to the approval of the commissioner of roads, and shall have custody of the same, and shall perform such other duties as may be prescribed by law or directed by the board of

commissioners of roads. His compensation shall be one dollar and fifty cents per diem for each day actually employed.

6. That biennially at the May term of the county court there shall be appointed by the judge of the court for each magisterial district one commissioner of roads, whose term of office shall be for two years, beginning on the first day of July next succeeding his appointment; he shall reside in the district for which he is appointed. Each commissioner of roads thus appointed shall qualify before the judge of the county in court or during vacation, and shall at the time of his qualification give bond with good personal security in not less than two thousand dollars nor more than five thousand dollars.

7. That the commissioner of roads shall have charge of all the roads in his magisterial district. His duty shall be to see that all roads in his district are of the proper width, and in all cases where they are not to notify the persons trespassing by written notice; and if the obstructions are not removed after reasonable notice not to exceed ninety days, he shall direct the overseer of the district to remove the fencing or other obstruction, and may recover the expenses, with costs, from the trespasser upon judgment of a justice of the peace. And if said obstructions are intentionally placed in any public road or any drains leading therefrom, the person placing the same there shall be liable to a fine not exceeding fifty dollars for each offence, to be recovered by action before justice of the peace. He shall examine the roads in his district twice in each year, in the months of June and November, and see that the roads and bridges are kept in good repair by the overseer and contractors; and if he shall find any overseer or contractor delinquent he shall give him notice in writing, and on his failure to comply with the law or his contract, shall make the necessary repairs and enforce payment therefor as provided in section eleven of this act; but if upon such examination he shall find that such contractor or overseer has executed his contract or performed his duty according to the law or his contract he shall give him a certificate to that effect, with a statement showing the amount such contractor or overseer is entitled to have offset against his road tax, such certificate to be given before the time fixed for the collection of said tax; and where work has been done by any person other than a contractor, under the direction of the overseer, it shall be the duty of the overseer to give a like certificate. His compensation shall be two dollars per diem for each day in which he has been or may be actually employed in discharging his duties under the provisions of this act, and to be paid by the board of commissioners of roads for the respective magisterial districts.

8. That the commissioner of roads for the district and the overseer of the sub-district shall let to contract at public letting, to the lowest and best bidder, for a term of three years (except in a case of a new road, then it shall be let until the next general letting), all the roads in each district not exceeding two miles in one section, of the time and place of which letting they shall give ten days' notice by printed handbills posted in at least three places in each

road district. The specifications of such contract shall be such as will effectually open new roads and constantly keep in repair and clear of all impediments to safe and convenient travel all public roads, and they shall embrace the making and maintaining of sufficient bridges over such streams and ravines as may need them, and in every case except mountain roads it shall be specified that the bed of the road shall be raised in the middle and slope gradually each way to the sides, where ditches sufficient to carry off the water shall be made and kept open; provided that the contract and price in no case exceed the estimate made by the overseer and commissioner of roads.

9. That it shall be the duty of the said road commissioner and the overseer, within thirty days preceding the day of public letting, as directed in the preceding section of this act (and within the same period of time preceding the expiration of each and every term of years thereafter), to lay out and divide the public roads and highways in the said district into sections not exceeding two miles in length, which they shall number and describe in a book kept for the purpose. They shall also distinctly specify therein what they deem necessary for the improvement and keeping in good repair the said public roads and highways, with an estimate of the amount of money which it will require to improve and keep in repair each and every section of the said roads, respectively, for the term of years approved of and designated as provided for in section seven of this act. The road book herein provided for shall be returned to and preserved by said board, and shall be open to the inspection of any citizen of the county.

10. Each contractor shall sign his name in a book to be kept for that purpose by the commissioner of roads to a contract embracing all the specifications in relation to the roads contracted for by him, as provided by the eighth section of this act, as well as the contract price, the length of time contracted for, and the number and description of sections contracted for. All contractors shall give bond and security in such sum as the board shall deem sufficient, in a penalty not less than twenty-five dollars nor more than double the contract price.

11. That if a contractor refuse or neglect to comply with the law or his contract, upon complaint the commissioner of roads shall, as soon as practicable, examine the road or section, and if the complaint is well founded shall give immediate notice in writing to the party to make or put his road or section in repair according to law, or as the contract requires; and upon his failure to do so the overseer shall proceed to put the same in order, and the expense thereof, with costs of suit, shall be recovered by the commissioner of roads in the name of the board, from the contractor and his securities, as other debts are recoverable.

12. That if a section remain unlet by reason of there being no bidder, or the amount offered be deemed unjust, the commissioner of roads and overseer of the district may let the same by private contract, the contract price not to be more than estimated by the overseer and commissioner of roads, and no supervisor of said county

or commissioner of the revenue or overseer of the roads therein, or other person authorized to represent the county in contracting for the working of any of the roads thereof, shall be in any way interested in any contract provided for in this act; and any violation of this provision shall render the contract null and void; and in case there be no contract the overseer of the district shall take charge of the road or section, and make or keep it in repair, and for that purpose may employ such number of laborers, teams, wagons and plows as may be necessary, and a just allowance shall be made for the labor, teams, plows, and other implements which may be furnished by private individuals, such allowance not to exceed that made by the county for like service immediately prior to the passage of this act; and a day's work shall be fixed at ten hours.

13. That when any contractor shall die or remove from his district and shall have fully complied with the conditions of his contract to the date of his death or removal the commissioner of roads and overseer may release the said contractor from his contract, and shall let the sections for the remainder of the term in the same way and on the same conditions as at the first letting.

14. That every petition for a new road, or to lay out, open, alter, or change a public road must first be presented to the commissioner of roads in the district in which the road is, who shall endorse thereon his approval or disapproval of the same, and his reasons therefor, which petition and the commissioner's report shall be laid before the county court at its next term, in open court, and the court shall appoint three discreet freeholders to view the ground of any new road or of proposed change; the county or other competent surveyor shall accompany the viewers, and if necessary survey and map the road. The whole number of viewers must view, but a majority may decide for or against, and they may view and make report of and estimates for any modification of the route.

15. That notice of the time and place when the viewers shall meet shall be given in some public manner in the vicinage of the proposed road at least five days before the time of meeting. The viewers, before they proceed to discharge their duties, shall be severally sworn by the commissioner of roads, or some other person authorized to administer oaths, to perform their duties impartially and to the best of their judgment. If they decide that there is a public necessity for the road or change, they shall lay out the same, having respect for the shortest distance and the best ground and so as to do the least injury to private property, and also, as far as practicable, to be agreeable to the petitioners. They shall assess the damage done to the land through which the road passes, taking into consideration the advantage to be derived from the road passing through the land, and shall report in writing to the next term of court; but in no case shall any garden, yard, orchard, or any part thereof, be taken without the consent of the owner.

16. That the court shall examine the amount of the damages assessed, and if satisfied that the public interest will be subserved by its payment and the opening of the road, or the proposed change, shall approve the report and order the damages to be paid by the

county, but upon the return of the report of the viewers the proprietors and tenants of lands upon which said road will be if established shall be summoned to show cause against said report, and if any proprietor or tenant of lands on which said road will be, if established, may enter himself a party defendant to said petition, after which the same proceedings shall be had as under the general road law of the state upon the return of the report of the commissioner of roads: provided that the viewers and surveyor shall be paid out of the county treasury; and provided, further, that no such opening or change of road shall be made through any enclosed lands except by consent of the proprietor, until the damages allowed him shall be actually paid by the county and the opening of said road shall be paid by the county.

17. That the county court shall at the time when any new road is established, direct what width the roadbed shall be made, and shall have power to regulate the width of all roads: provided that the land condemned for any new road shall not be less in width than thirty feet.

18. That the court may, at its discretion, grant a second or third review, the viewers to be paid one dollar per diem, and the county or other surveyor two dollars per diem, to be paid as provided for in section sixteen of this act.

19. That the clerk of the county court shall keep a road docket, in which all proceedings in regard to roads in the county shall be kept on record.

20. That in case of a road or line dividing two magisterial districts the commissioners of roads of the adjoining districts shall divide the said road between such districts in such way as will equitably divide the expense, if they can agree, and in case they cannot agree, the county court shall divide the same and direct what part of said road shall be opened and kept in repair by each magisterial district, and all bridges shall be paid for and kept in repair by the county.

21. Any overseer or contractor shall have power to enter upon any lands adjoining his road or section to make necessary repairs, drains, or ditches.

22. That the board of commissioners of roads for their respective districts shall annually in the month of July of each year lay a road tax, not exceeding twenty cents on every one hundred dollars of value of property, real and personal, within their districts, and immediately certify the same to the commissioner of the revenue for their respective districts, who shall thereupon extend the said taxes in the copies of his books to be delivered to the clerk of the county court and to the treasurer of the county. Should any contractor under the operation of this act be injured or damaged by the repeal of section nineteen of the aforesaid act, entitled an act to provide for the working of roads in the county of Culpeper, said board of commissioners of roads shall hear the complaint, and upon evidence before it assess the damage done the contractor and pay the same out of the road tax aforesaid. Should the contractor be dissatisfied with the decision of said board of commissioners of roads he may

within thirty days appeal as of right to the county court. The board of commissioners of roads shall be summoned to appear before said county court, the appeal be heard without formal pleadings, as are appeals from the judgments of justices of the peace, and the judgment of the county court shall be final. When the decision of the board of commissioners of roads is reversed by the judgment of the county court said board of commissioners shall provide out of said road tax for the payment of the judgment and all costs incident to the appeal.

23. That the treasurer of the county shall collect the road tax in the same manner and at the same times and places he receives the state and county taxes, and pay the same over to the commissioners of roads of the several districts. He shall be charged with the full amount of the road taxes levied for the year, and credited by all sums paid over in money or otherwise as herein provided. The treasurer shall receive as equivalent to money all accounts for labor, teams, plows, wagons, material furnished, or for services rendered in any way, when properly certified by the commissioner or overseer, and the same shall be receipted for by the commissioner as if paid to him in money. Each commissioner of roads acting under the provisions of this act shall settle with the board of commissioners of roads on the first Monday in September of each year, or as soon thereafter as the said board shall meet, and account for all moneys received by him from the treasurer for road purposes, and pay over any balances in his hands to his successor in office, which shall be placed to the credit of the board and appropriated for road purposes.

24. That all persons who shall make payment of road taxes on or before the first day of December shall be entitled to a deduction of five per centum; and any person failing to pay any road taxes to the treasurer by the first day of December shall incur a penalty equal in amount to that incurred for non-payment of state taxes, which shall be added to the road taxes and collected and accounted for as provided for in case of state and county taxes.

25. That the board of commissioners of roads shall annually, on the first Monday in June, audit, adjust, and settle the accounts of the treasurer for the preceding year. They shall charge the treasurer with the full amount of the road tax levied in the district, and shall credit him by his commissions, delinquents, and all payments made by him to the commissioner of road for which he has the proper receipt. The treasurer shall receive the same per centum for collecting road taxes as for collecting the state revenue. He shall pay said road taxes received and collected by him upon warrants issued by the board of commissioners of roads.

26. Any person or persons causing water to be diverted from its natural course and conveyed across a public highway, or who, by the erection of waste gates or any other means, shall cause water to flow or be conducted over such public highway, shall place and keep in good repair bridges over the same at his or her expense; and if the commissioner or overseer of roads shall notify such person or persons that his or their bridge is unsafe, and such person or persons shall fail to make the necessary repairs, he or they shall be

held responsible for all damages, to be recovered by warrant before a justice of the peace, or court of competent jurisdiction, that may result from such failure. Within ten days after such failure the commissioner or overseer may make such repairs, and require such party or parties to pay all costs thereby incurred, which costs may be recovered before a justice of the peace or court of competent jurisdiction.

27. That upon the petition of twenty freeholders of each district the board of supervisors, if a majority of them shall so determine, may direct that the county surveyor shall make a survey and map of the county, showing on the same the boundaries of each magisterial district, marking the location of towns, stores, mills, post-offices, churches, schoolhouses, and other prominent objects, indicating beds of minerals; all the mappings to be completed in three years from the first day of January, eighteen hundred and seventy-six.

28. That the compensation of the surveyor shall be fixed by the board of supervisors, and shall not exceed two dollars and fifty cents per diem for the time actually employed.

29. That the price of the map on rollers shall not exceed five dollars, and that each person whose levy for map purposes shall in three years be equal to five dollars shall be entitled to a copy, and each person whose levy does not reach five dollars shall have a copy by paying the difference between his levy and the price of the map. The said maps shall be under the control of the surveyor: provided the price of the same shall be fixed by the board of supervisors.

30. At the discretion of the board of supervisors of Culpeper the general road law of this state, except so far as the same is in conflict with this act, may be in force in the county of Culpeper.

31. All acts heretofore passed by the general assembly in reference to the county roads of Culpeper are hereby repealed.

32. All incumbents of offices under the road law now in force in Culpeper will continue in office and discharge the duties of the same until their successors are duly appointed and qualified under the provisions of this act.

33. This act shall be in force from its passage.

ADDENDUM.

Schedule of prices allowed for the use of teams, plows and wagons:

For four-horse team, wagon and driver, \$3; for two-horse team, wagon and driver, \$2; for ox team, wagon and driver, \$2; for plow, two horses and driver, \$3.

CHAP. 579.—An ACT to amend and re-enact section 40 of an act entitled “an act to amend the charter of the city of Alexandria, approved February 20, 1871, as amended by an act approved March 22, 1871, and by an act approved the 17th day of March, 1876, and by an act approved March 20, 1877, and by an act approved January 25, 1879, and by an act approved March 1, 1888, and by an act approved February 25, 1892, and by an act approved March 8, 1894.”

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section forty of an act entitled “an act to amend the charter of the city of Alexandria, approved February twentieth, eighteen hundred and seventy-one, as amended by an act approved March twenty-two, eighteen hundred and seventy-one, and by act approved the seventeenth day of March, eighteen hundred and seventy-six, and by an act approved March twentieth, eighteen hundred and seventy-seven, and by an act approved January twenty-fifth, eighteen hundred and seventy-nine, and by an act approved March first, eighteen hundred and eighty-eight, and by an act approved February twenty-fifth, eighteen hundred and ninety-two, and by an act approved March eighth, eighteen hundred and ninety-four,” be amended and re-enacted so as to read as follows:

§ 40. If any ground in the city of Alexandria shall be subject to be covered by stagnant water, or if the owner or owners thereof shall permit an offensive or unwholesome substance to remain or accumulate thereon, the city council shall have power to require the owner or owners of such ground to have the same filled up, raised or drained, and any such substance covered or removed; and if such owner or owners of any such ground fail to have the same filled up, raised or drained, or any such substance covered or removed, after thirty days' notice so to do, given in the manner prescribed by section thirty-three of the charter, the said city council may cause such ground to be filled up, raised or drained, or such substance to be covered or removed therefrom; and the expense thereof shall constitute a lien upon the said ground, which shall be a prior lien to all other liens except state taxes; and the city council shall have the same rights and remedies for the enforcement of the said lien as are given by section thirty-three of the charter for the collection of the assessments therein named; but before proceeding to enforce the said lien, the said city council shall have commissioners appointed to assess the costs and expenses of the said work in the manner provided by section thirty-three of the charter, and the same proceedings shall be had in such cases as in the cases provided for in said section of the charter; and the lien shall take effect in the same manner as provided for in said section in reference to the assessments therein named.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from and after its passage.

CHAP. 580.—An ACT to amend and re-enact section 8 of an act entitled "An act incorporating the town of Barton Heights, in Henrico county," approved January 30, 1896.

Approved March 3, 1896.

Whereas it appears that Charles Goodloe, who is named in section eight of an act entitled "An act incorporating the town of Barton Heights, in Henrico county," as one of the council of said town of Barton Heights, is ineligible by reason of his holding an appointment under the Federal government; and

Whereas the citizens of said town of Barton Heights have expressed a desire to have the name of Joseph W. Starritt substituted for that of Charles Goodloe: therefore,

1. Be it enacted by the general assembly of Virginia, That section eight of an act entitled "An act incorporating the town of Barton Heights, in Henrico county," be amended and re-enacted so as to read as follows:

§ 8. Be it further enacted, That W. R. Jones shall be mayor of said town until July first, eighteen hundred and ninety-seven, at which time his successor, chosen at the spring election of eighteen hundred and ninety-seven, shall qualify; and that T. Crawford Redd, Joseph W. Starritt, and George A. Minor shall constitute three of said council of said town until July first, eighteen hundred and ninety-seven, at which time their successors, chosen at the spring election of eighteen hundred and ninety-seven, shall qualify; and W. T. Hoopes, P. F. Duggan, and E. H. Smith shall constitute three of said council of said town until July first, eighteen hundred and ninety-nine, at which time their successors, chosen at the spring election of eighteen hundred and ninety-nine, shall qualify.

2. This act shall be in force from its passage.

CHAP. 581.—An ACT to fix the price at which the code of 1887 shall be sold.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That from and after the passage of this act the code of eighteen hundred and eighty-seven shall be sold at the price of two dollars per volume.

2. This act shall be in force from its passage.

CHAP. 582.—An ACT to extend to the Mutual telephone company of the city of Petersburg, a corporation chartered by the hustings court of the said city and now operating an exchange therein, the privileges granted by sections 1287, 1288 and 1289 of the code of Virginia to telephone companies chartered by this state.

Approved March 8, 1896.

1. Be it enacted by the general assembly of Virginia, That the Mutual telephone company of Petersburg, Virginia, a corporation chartered by the hustings court of the said city, and now operating an exchange in that city, shall have all the privileges granted by sections twelve hundred and eighty-seven, twelve hundred and eighty-eight and twelve hundred and eighty-nine of the code of Virginia to telephone companies chartered by this state.

2. This act shall be in force from its passage.

CHAP. 583.—An ACT to amend and re-enact section one of a charter granted to the Chase City mineral water and development company on the 18th day of June, 1890, by the judge of the circuit court of Mecklenburg county in vacation.

Approved March 8, 1896.

Whereas as by an order entered on the sixteenth day of June, eighteen hundred and ninety, the judge of the circuit court of Mecklenburg county, Virginia, granted a charter incorporating the Chase City mineral water and development company, which charter was recorded in the clerk's office of the said circuit court on the nineteenth day of June, eighteen hundred and ninety, and which was lodged in the office of the secretary of the commonwealth on the twenty-ninth day of October, eighteen hundred and ninety;

And whereas the stockholders at a recent meeting adopted a resolution requesting that the name of said company might be changed to the Chase City mineral water company: therefore,

1. Be it enacted by the general assembly of Virginia, That section one of said charter be amended and re-enacted so as to read as follows:

§ 1. The name of the company shall be the Chase City mineral water company.

2. This act shall be in force from its passage.

CHAP. 584.—An ACT to enable the board of supervisors of the county of Isle of Wight to borrow money to meet the current expenses of the said county for the year 1896.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Isle of Wight be, and they are hereby, empowered to borrow a sum of money not exceeding one thousand dollars, to be appropriated and applied in part payment of the current expenses of said county for the year eighteen hundred and ninety-six. The board of supervisors of said county is authorized and empowered to issue the bond or bonds of said county, for any sum of money borrowed under the provisions of this act, which bond or bonds shall be in a form prescribed by said board, signed by the chairman, countersigned by the secretary, and sealed with its seal, and payable not exceeding one year after date out of the county levies of said county.

2. This act shall be in force from its passage.

CHAP. 585.—An ACT to amend and re-enact an act approved February 27, 1894, prescribing the time for holding the circuits courts in the several counties comprising the Fifteenth judicial circuit of Virginia.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That an act approved February twenty-seventh, eighteen hundred and ninety-four, prescribing the time for holding the circuit courts in the several counties comprised in the Fifteenth judicial circuit of Virginia, be amended and re-enacted so as to read as follows:

§ 1. That the circuit courts for the several counties composing the Fifteenth judicial circuit shall be held at the following times: Wythe, second Monday in February and second Monday in September; Pulaski, third Monday in March and third Monday in October; Bland, second Monday in May and third Monday in November; Carroll, fourth Monday in April and Wednesday after the first Monday in November; Giles, fourth Monday in May and first Monday in October; Tazewell, first Monday in April, fourth Monday in August and first Monday in December.

2. All acts and part of acts in conflict with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 586.—An ACT to authorize the board of supervisors of Bland county to levy a tax for the purpose of repairing the public roads in said county.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Bland county be, and they are hereby, authorized and empowered at their regular meeting prior to the first of June in each year, to lay a levy on all taxable property, real and personal estate, in said county, sufficient to keep up all of said roads in the condition and repair in which the law requires the same to be kept: provided that the said tax shall not be less than ten cents nor more than forty cents on the hundred dollars in any one year.

2. This act shall be in force from its passage.

CHAP. 587.—An ACT suspending time of redeeming lands sold for delinquent taxes and bought by the auditor in cases where proceedings in equity have been instituted by parties interested in such lands.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the operation of section six hundred and sixty-six of the code of Virginia, and all acts amendatory thereof, in so far as they authorize others than the owners thereof to buy and redeem lands heretofore sold for delinquent taxes and bought by the auditor in the name of the commonwealth, be, and they are hereby, suspended for one year from the date of this act, in all cases where proceedings in equity are already instituted by any parties interested in such lands for the purpose of selling the lands and redeeming said lands by paying all taxes due, delinquent and owing on the same; but this act shall not be operative in any case until the owner of the land involved in such suits, or some other person shall notify the clerk of the court of the county or the clerk of the city or corporation in which the land is situated, of the existence of the suit.

2. This act shall be in force from its passage.

CHAP. 588.—An ACT to authorize and empower the board of supervisors of Campbell county to issue bonds for the purpose of refunding the debt incurred by said county in subscribing to the stock of the Lynchburg, Halifax and North Carolina railroad under act of February 12, 1886.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Campbell county be, and it is hereby, au-

thorized and empowered to issue bonds, coupon or registered as it may deem best, to the amount of ninety-seven thousand dollars, bearing a rate of interest not exceeding five per centum per annum, the proceeds arising from the sale of said bonds to be used for the sole purpose of retiring the bonds heretofore issued by the resolution of the said board of supervisors, passed the fourth day of December, eighteen hundred and eighty-six, under an act approved the twelfth day of February, eighteen hundred and eighty-six, allowing the said county of Campbell to subscribe to the stock of the Lynchburg, Halifax and North Carolina railroad, which said bonds are dated the first day of January, eighteen hundred and eighty-seven, and are payable at the option of the said board of supervisors, on and after the first day of January, eighteen hundred and ninety-seven.

2. This act shall be in force from its passage.

CHAP. 589—An ACT to incorporate the American stemming machine company.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That W. F. Chalmers, S. Libby, Ivanhoe Sclater, John P. Word and J. T. Wilcox, and their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of American stemming machine company.

2. The capital stock of the company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, and may from time to time be increased by the board of directors, with a consent of a majority of the stockholders, to any amount not exceeding five million dollars.

3. The principal business of said company shall be the purchase, sale, lease or rental of machines for stemming tobacco on royalty or otherwise. And it shall also have the right to purchase patent rights, machine and improvements of all kinds used in the manufacture of tobacco, and to issue its bonds, notes or stock in payment of the same, and shall also have the right to construct, build or operate, sell, lease and rent out such machinery, patents and improvements.

4. The said company may acquire and own so much real estate as may be necessary for its purposes not exceeding five acres.

5. It shall be lawful for the said company to purchase bonds, stocks or notes of any other incorporated company, and may consolidate with, lease or sell its property, franchises and privileges to any other company, and any other company is hereby authorized to purchase the same.

6. The incorporators named in this act shall constitute the board of directors for the first year, or until their successors shall be elected and qualified. They shall have the power and authority of a president and board of directors for the purpose of organization and for all other

purposes incidental thereto. They shall elect one of their number president of the board, and may appoint such officers as they may deem proper. They may receive subscriptions to the capital stock of the company, and whenever five hundred thousand dollars shall have been subscribed the board may proceed to organize by the election of a president, secretary and treasurer, or such officers and agents as they may think proper. Thereupon the said company shall be considered legally organized, and shall have all the general powers conferred upon corporations and chartered companies by the laws of the state, and shall be subject to all the provisions thereof except so far as the same are modified by or inconsistent with this act.

7. The principal office of said company shall be in Richmond, Virginia.

8. All taxes due to the commonwealth by said company shall be paid in lawful money of the United States, and not in coupons.

9. This act shall be in force from its passage.

CHAP. 590.—An ACT to increase the number of governors for the Masonic home of Virginia.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of governors of the Masonic home of Virginia shall hereafter consist of fifteen persons instead of nine as at present, the qualifications of whom shall be the same as required of governors by the charter of said institution, approved January seventh, eighteen hundred and ninety; and the following persons shall be the six additional governors authorized by this act, to-wit: J. H. Fisher, Henry Hodges, P. H. Boisseau, Thomas N. Davis, S. H. Northington and Samuel W. Williams.

2. The term of office of J. H. Fisher and Henry Hodges shall terminate at the first annual meeting; the term of P. H. Boisseau and Thomas N. Davis shall terminate at the second annual meeting; and the term of S. H. Northington and Samuel W. Williams shall terminate at the third annual meeting of the institution after the passage of this act, and their successors shall be elected by the corporation for three years from the termination of their respective terms in the same manner and at the same time that the successors of the present governors are elected.

3. All the provisions of the charter and by-laws of the said Masonic home of Virginia not inconsistent with this act shall continue in full force and effect,

4. This act shall be in force from its passage.

CHAP. 591.—An ACT to authorize the Petersburg railroad company to discontinue the maintenance and use of its station and any portion of its present line of railway within the city of Petersburg, upon certain conditions.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the Petersburg railroad company be, and it is hereby, authorized at any time hereafter that it may elect to do so, to discontinue the maintenance and use of its present station and any portion of its present line of railway in the city of Petersburg, provided that said company shall adopt for the location of its passenger and freight stations such place or places within or near to the city limits of said city as may be approved by the common council of said city.

2. Upon such approval by the common council of said city, the legal principal office of the Petersburg railroad company shall be in the city of Petersburg, Virginia.

3. All acts or parts of acts inconsistent with this act are hereby repealed.

4. This act shall be in force from and after its passage.

CHAP. 592.—An ACT to amend and re-enact section 1 of an act entitled "an act to authorize certain persons, when arrested or convicted, to be committed to the custody of the Prison association of Virginia," approved March 4, 1890.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section one of an act entitled "an act to authorize certain persons, when arrested or convicted, to be committed to the custody of the Prison association of Virginia," approved March fourth, eighteen hundred and ninety, be, and the same is hereby, amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That whenever any minor charged with any crime, or with being a vagrant, or disorderly person, is arrested or convicted, it shall be lawful for the court, judge, or justice causing the arrest, or before whom the conviction is had, in the discretion of such court, judge, or justice, with the consent of the Prison association of Virginia, to direct that the minor arrested or convicted, as the case may be, shall be committed to the custody and control of the said Prison association of Virginia; and said association shall have the same power and authority over any such minors as the proper authorities of the state penitentiary now have with regard to the persons committed to it, and shall be entitled to the same compensation for caring for them which the jailors of this commonwealth now have or are entitled to: provided, however, that no minor shall be committed to the custody and control of the said Prison association before conviction, with-

out the consent of the parent or legal guardian of said minor, if any such there be.

2. This act shall be in force from its passage.

CHAP. 593.—An ACT to amend and re-enact an act entitled an act fixing the time for holding courts in the Third judicial circuit, approved February 20, 1890.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act fixing the time for holding courts in the third judicial circuit, approved February twentieth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

That the circuit courts for the several counties comprising the third judicial circuit shall be held at the following times, to-wit:

Prince Edward.—First day of March and first day of September.

Amelia.—Tenth day of March and tenth day of September.

Charlotte.—Twentieth day of March and twentieth day of September.

Appomattox.—First day of April and first day of October.

Powhatan.—Seventeenth day of April and seventeenth day of October.

Buckingham.—Twenty-fifth day of April and twenty-fifth day of October.

Cumberland.—Seventh day of May and seventh day of November.

Lunenburg.—Seventeenth day of May and seventeenth day of November.

Mecklenburg.—Twenty-seventh day of May and twenty-seventh day of November.

2. This act shall be in force from its passage.

CHAP. 594—An ACT providing for the working, opening and keeping in repair the roads in the county of Cumberland, and for the building and keeping in repair the bridges in said county.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the board of supervisors of the county of Cumberland at its annual meeting in July in each year to levy a tax of not exceeding twenty cents on the one hundred dollars' value of the property in the said county, real and personal, which tax shall be known as the road tax; and said tax, in each magisterial district of said county, shall be kept separate, and the amount received from each district shall be expended in said district in the manner hereinafter provided.

2. The judge of the county court, at its April or May term in eighteen hundred and ninety-six, shall appoint a suitable person of said county as superintendent of the roads and bridges of said county, or in his discretion may appoint one superintendent for each magisterial district, who shall have the same powers that the superintendent of the county would have; and in like manner thereafter the county court shall annually, at its July term, make said appointments; but the superintendent or superintendents first appointed under this act shall hold office until the first day of August, eighteen hundred and ninety-seven, and those annually appointed thereafter shall hold office for twelve months from the first day of August succeeding the appointment.

3. The superintendent or superintendents so appointed shall qualify at the term of the court at which he or they are appointed by taking an oath faithfully to discharge the duties of the office, and by giving bond for that purpose in the penalty of at least double the amount of the compensation; said bond to be payable to the county of Cumberland, with surety to be approved by the county court. The said bond shall contain a waiver of the homestead exemption and shall be recorded as other official bonds are now required to be recorded. The said superintendent or superintendents may be removed at any time by the judge of the county court for cause, but the said superintendent or superintendents, in case of removal by said court, shall have an appeal from the decision as of right to the judge of the circuit court, whose decision in the matter shall be final. In case of death or removal of said superintendent or superintendents, the vacancy for the unexpired term shall be fixed in the same manner that the original appointment is made.

4. It shall be the duty of the superintendent or superintendents to take charge of the maintenance, repair and construction of the public roads and bridges of said county or districts; shall keep and maintain the same in as safe condition for public travel as the means furnished him by the board of supervisors will permit. He or they shall have all the rights to take from convenient lands such material as he or they may deem necessary for use on said roads or bridges, and to make such use of said lands for draining purposes as are conferred by existing laws upon road surveyors.

5. Said superintendent or superintendents shall have charge of and provide for all mules, horses, oxen, implements, tools or machines, which may be placed in his or their charge by the board of supervisors, and he or they may be authorized by said judge of the county court to hire teams for carrying on the work at any time, at such rates per day as the judge of the county court may from time to time determine. He or they shall be authorized by the court, and it shall be his or their duty, to employ all necessary labor by the day, week or month, as the court may direct, at a compensation to be fixed by said court from time to time.

6. The superintendent or superintendents shall act for the county in all cases where the existing law requires commissioners to be appointed by the county court, to report upon and award contracts, to repair or build bridges, or open or repair roads and to receive the

same, and to see that the work is done in such cases after such contracts are awarded in accordance with such contracts, and his acts in such premises shall have the same force and effect as the act of commissioners if they were appointed under the existing law.

7. Said superintendent or superintendents, as the case may be, shall make report every two months to the county court of his transactions as such, furnishing itemized statements of the amounts expended, under oath, and to whom due. The court shall certify the same to the board of supervisors, who shall issue warrants payable to the parties named.

8. Whenever the superintendent or superintendents deem it necessary to call to his assistance a civil engineer or surveyor in order to construct a road or bridge, he may do so with the consent of the judge of the county court, and at a compensation to be fixed by him.

9. The board of supervisors shall purchase for the superintendent or superintendents such horses, mules, teams, wagons, carts, scrapers, machines and implements as they may think necessary for carrying on the operations aforesaid, and shall take his receipt for the same when delivered to him.

10. The compensation of the superintendent for the county shall be four hundred dollars: provided that should the judge appoint a superintendent for each magisterial district, said four hundred dollars shall be divided equally between the several superintendents. The judge of the county court shall fix the time for the payment of the same, may make the same uniform during the year, or otherwise, and may compensate him by the month while he is engaged in the work if he deem advisable, which shall be paid out of the general county levy, and not from the road tax levied under this act.

11. The judge of the county court shall, as soon as practicable after the passage of this act, ascertain and determine what roads in each magisterial district shall be worked under the provisions of this act; and shall also determine what bridges in said county shall be paid for out of the tax levied for roads and bridges in each district, and what bridges shall be paid for out of the general county levy; and a copy of the lists of said roads in each magisterial district to be worked by said superintendent or superintendents, as the case may be, shall be furnished him by the clerk of the board of supervisors, as well as a list of the bridges in each district that are to be kept in repair or rebuilt out of the road tax, and of the bridges to be repaired or rebuilt out of the general levy. And the judge of the county court shall have entire control of the letting to contract the building or rebuilding and keeping in repair the bridges in the district that are to be paid for out of the said road tax, and shall let the building, rebuilding or repairing of the bridges to be paid for out of the general county levy in the manner now provided by law, except that the superintendent or superintendents shall act as a commissioner, as heretofore provided in this act; and whenever the superintendent shall report to the judge of the county court in vacation that any of the bridges that are to be kept in repair, built or rebuilt out of the general county levy, need repairing or rebuilding, it shall be the duty of said judge to enter a vacation order directing

said superintendents to receive proposals for the work; and it shall be the duty of the county judge, and he is hereby authorized, to confirm the reports of the superintendent letting the work to contract in vacation, if, in the judgment of the said judge, it is necessary or proper that it be done, and shall direct the work to proceed; and it shall be the duty of the said superintendent to keep a general supervision over the bridges in said county or district, and report, when any of the bridges which are to be paid for out of the road tax as aforesaid need rebuilding or repairing, to the county court or judge in vacation when any of the bridges to be paid for out of the general county levy need repairing or rebuilding.

12. The said judge of the county court shall have power, and he is hereby authorized, to employ upon the county roads, or any portion thereof, all vagrants and criminals confined in the county jail, and all persons confined in said jail in default of the payment of fines imposed upon them, said parties to be worked under the supervision of said superintendent, under such rules and regulations as the judge of the county court may prescribe. But in such cases the board, maintenance and costs of guarding such persons, where necessary, shall be paid for out of the road tax for the district for which they are worked for the time being, and shall not be charged upon the state, as now provided by law, in case they remain in jail and are not worked upon roads as aforesaid.

13. The road tax levied for the year eighteen hundred and ninety-six shall be used and expended by said board of supervisors in accordance with the provisions of this act.

14. The existing laws regarding the foregoing subjects shall be, and they are hereby, repealed in so far as they are applicable to the county of Cumberland.

15. This act shall be in force from its passage.

CHAP. 595.—An ACT to amend section 7 of an act entitled an act to incorporate the Masonic home of Virginia, approved January 7, 1890.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section seven of an act entitled an act incorporating the Masonic home of Virginia, approved January seven, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 7. From and after the first annual election of governors, as provided for in the last preceding section, there shall be three additional members of said board of governors on the part of the grand lodge of Virginia, consisting of the grand master, grand senior warden, and the grand junior warden. These shall be entitled to all the rights and privileges and subject to all the rules and regulations prescribed by the by-laws and by this act for the government of the said board, except that the said grand lodge governors who hold

their positions on the board solely as representatives of the grand lodge, shall not be eligible to the offices of president or vice-president of the board. These three officers of the grand lodge shall hold their offices as governors of said institution until the succeeding grand annual communication of the grand lodge, or until their successors are duly elected and qualified; and at each annual session of the grand lodge the persons who shall be elected and installed as grand master, grand senior warden and grand junior warden, shall at the same time become ex-officio governors on the part of the grand lodge of the Masonic home of Virginia, to continue in office for one year, or until their successors are duly elected and qualified. Should the office of grand master, grand senior warden, or grand junior warden become vacant during the term for which the incumbent was elected, then in that case the person who shall succeed to the vacant office of the grand lodge shall also succeed to the vacancy in the board of governors created thereby.

2. This act shall be in force from its passage.

CHAP. 596.—An ACT to incorporate the Citizen's league of America.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That L. E. W. Meyberg, W. M. Walden, J. F. Taylor, A. M. Porter and L. S. Young, of Virginia, and their associates, successors and assigns, be, and are hereby, constituted a body corporate and politic by the name of the Citizen's league of America, and by that name shall be known in law, and shall have perpetual succession, and shall have power to sue and be sued, plead and be impleaded in all courts, and may make and have a common seal and alter same at pleasure, and shall have, exercise and enjoy all the rights, powers and privileges pertaining to corporate bodies and necessary for the purposes hereinafter set forth; and may make a constitution, by-laws, rules and regulations, consistent with the existing laws of the state, for the government of all under its authority, for the management of its estates and properties, and for the due and orderly conduct of its affairs, and may adopt a ritual with secret signs and passes; the general objects of said association being:

First. To unite in patriotic and fraternal citizenship all persons of good moral character who are otherwise unobjectionable and to promote among them love of country, freedom, knowledge and benevolence.

Second. To provide indemnity to the families or dependents of members in event of death and to give material aid and comfort to living members by the establishment and maintenance of funds for such purposes.

Third. To provide for and establish an investment fund for mem-

bers or associate members, and to loan the moneys thereof and the moneys of other funds not otherwise appropriated to its members, on certificates of investment or real estate mortgage, on such terms as may be agreed upon.

2. The said association may acquire and own real estate not to exceed fifty acres at any one time, and its principal office shall be in Richmond, Virginia.

3. All taxes and debts due the state shall be paid in money, and not in coupons.

4. This act shall be in force from its passage.

CHAP. 597.—An ACT to amend and re-enact an act approved February 26, 1886, entitled an act to authorize the road board of Central district, in Rockingham county, to establish a toll-gate on the Dry river road, in said county.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the act approved February twenty-six, eighteen hundred and eighty-six, entitled an act to authorize the road board of Central district, in Rockingham county, to establish a toll-gate on the Dry river road, in said county, be amended and re-enacted so as to read as follows: The road board of Central district, in the county of Rockingham, is hereby authorized to establish a toll-gate on the Dry river road, in said county, between the West Virginia line and the Rawley springs turnpike, at such point on said road between said West Virginia line and the intersection of said road with the Rawley springs turnpike as may be deemed advisable by said road board of Central district, and it is authorized to charge such tolls as are now allowed by law for five-mile sections; the money arising from said tolls to be applied to the pay of the gate-keeper and the repair of said road; any surplus on hand at the end of each year to be turned over to the county treasurer to be placed to the credit of the road board of said district, to be used upon such roads as the board may direct.

2. This act shall be in force from its passage.

CHAP. 598.—An ACT to authorize the council of the town of Waverly to establish cemeteries or burial places within or without said town and to validate a certain deed conveying land to said town for that purpose.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the council of the town of Waverly, in the county of Sussex, be, and it

is hereby, authorized and empowered to establish, maintain and regulate one or more cemeteries or burial places either within or without the boundaries of said town, and for that purpose said council is empowered to acquire, hold and convey in the name of said town not to exceed five acres of land, either within or without the boundaries of said town. And the town of Waverly having purchased of Martin Schaefer two and one-tenth acres of land lying a short distance from the corporate limits of said town to be used as a public cemetery; be it further enacted that the deed from said Martin Schaefer and Virginia L. Schaefer, his wife, dated June eighth, eighteen hundred and ninety-two, and duly recorded in the clerk's office of Sussex county court, in deed-book number eight, page six hundred and twenty-two, conveying said land to said town, be, and the same is hereby, declared to be legal, valid and binding in all respects upon the parties thereto.

2. A receipt signed by the treasurer of said town showing that the holder thereof has paid to said town the amount charged for a lot in any cemetery established or maintained under the provisions of this act, shall be a sufficient deed to transfer the title to such lot to such purchaser thereof.

3. The council of said town in pursuance of the powers given it under the provisions of this act shall have power to regulate and control the burial of the dead within the corporate limits of said town.

4. All acts and parts of acts inconsistent with this act are hereby repealed.

5. This act shall be in force from its passage.

CHAP. 599.—An ACT for the relief of George W. Bledsoe, of Madison county, Virginia.

Approved March 3, 1896.

Whereas George W. Bledsoe was wounded while serving as a Confederate soldier in company B, second regiment Virginia cavalry, in the late war; and whereas the wound from which he suffers renders him unable to perform manual labor:

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to list the said George W. Bledsoe for a pension of fifteen dollars upon the proof of the alleged facts before the county court of Madison county.

2. This act shall be in force from its passage.

CHAP. 600.—An ACT for the relief of the sureties of W. S. Graveley, late treasurer of Henry county.

Approved March 3, 1896.

Whereas W. S. Graveley, late treasurer of Henry county, died during the year eighteen hundred and ninety-two, and at the time of his death was heavily indebted to the state of Virginia, and the county of Henry; and whereas

The great bulk of the sureties of said Graveley are hopelessly insolvent, or have made deeds with a view to escape their liabilities as such sureties; and whereas

The county of Henry has agreed to allow the solvent sureties of the said treasurer to settle the liabilities of the treasurer to the county of Henry at sixty-six and two-third cents in the dollar; and whereas

The payment of the sums due to the state and county as aforesaid will be a heavy burden upon those sureties who have not sought to evade their responsibilities; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be authorized, instructed and directed to receive from D. F. Haislip, Obadiah Hurd, A. T. Jones, J. L. English, L. P. Richardson, R. B. Dandridge, Hardin Hairston, F. Cook, George D. Marshall, C. T. Noell, J. C. Adams, J. H. Johnson, R. C. Payne, B. J. Graveley, S. W. Marshall, R. H. Cook, E. L. Graveley, Sally H. Graveley, the sureties of said W. S. Graveley, or from any one of them, bonds of this commonwealth, issued under the provisions of an act approved February fourteenth, eighteen hundred and eighty-two, entitled an act to declare Virginia's equitable share of the public debt, and so forth, together with all unpaid coupons thereto attached, and at the face value of the principal of said bonds thereof, in full discharge of any and all liabilities incurred by said sureties, or either of them, by virtue of their suretyship as aforesaid. The amount of the indebtedness of W. S. Graveley to the state of Virginia to be discharged as aforesaid is eight hundred and forty-nine dollars and ten cents. Nothing herein contained shall be construed to release the said treasurer or his estate from the obligation to pay the difference between the amount of the indebtedness, with interest, and the market value of the bonds with which his sureties as aforesaid are authorized by this act to discharge their joint or several liabilities; and provided, further, that the said sureties shall be liable as amongst themselves for contribution according to the amounts paid by them. The said sureties shall not avail themselves of the benefit of this act for a period longer than six months from the passage hereof, and the provisions of this act for their benefit shall expire at the termination thereof.

2. This act shall be in force from its passage.

CHAP. 601.—An ACT for the relief of Mrs. E. S. Howard, widow of a Confederate soldier.

Approved March 3, 1896.

Whereas William D. Howard, post-office Concord depot, Campbell county, Virginia, contracted a disease in the service of the Confederate states in the late war between the states, of which disease he died on the twenty-eighth of July, eighteen hundred and sixty-five; and

Whereas E. S. Howard, the widow of said William D. Howard, is a resident of Campbell county, and is in destitute circumstances and in very bad health, does not own property of any value and has no income whatever: therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be directed to list the said E. S. Howard on the pension list as he would a widow who had lost her husband in the service during the war, and the same payment be made to her as is made to other widows of Confederate soldiers: provided the facts herein alleged be established before the county court of Campbell county.

2. This act shall be in force from its passage.

CHAP. 602.—An ACT to amend and re-enact an act entitled an act to amend and re-enact section 3044 of the code of Virginia in relation to the counties and districts of the county court judges, approved December 21, 1891.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section three thousand and forty-four of the code of Virginia, as amended and re-enacted by act of the general assembly, approved December twenty-first, eighteen hundred and ninety-one, be amended and re-enacted so as to read as follows:

§ 3044. Counties and districts of judges.—For each of the following counties, to-wit: Accomac, Albemarle, Amelia, Amherst, Appomattox, Bedford, Botetourt, Brunswick, Buckingham, Campbell, Caroline, Carroll, Charlotte, Chesterfield, Clarke, Culpeper, Dinwiddie, Essex, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Greenesville, Grayson, Halifax, Hanover, Henrico, Henry, Isle of Wight, King and Queen, King William, Lee, Louisa, Loudoun, Lunenburg, Mecklenburg, Montgomery, Nansemond, Nelson, Norfolk, Northampton, Nottoway, Orange, Page, Patrick, Pittsylvania, Prince Edward, Princess Anne, Prince William, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Southampton, Spotsylvania, Sussex, Tazewell, Washington, Warren, Wise and Wythe; and for each of the following districts, to-wit: Alleghany, Bath and Craig, Augusta and Highland, Bland

and Giles, Buchanan and Dickenson, Cumberland and Powhatan, Elizabeth City and Warwick, Fairfax and Alexandria county, James City, York and city of Williamsburg, King George and Stafford, Madison and Greene, Middlesex and Mathews, New Kent and Charles City, Northumberland and Lancaster, Prince George and Surry, and Westmoreland and Richmond, there shall be one county court judge.

2. This act shall be in force from the first day of January, eighteen hundred and ninety-eight.

CHAP. 603.—An ACT to authorize E. W. Warburton to erect a wharf, dock or pier on his tract of land called "Fish House," in James City county, on James river.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That E. W. Warburton be, and he is hereby, authorized and empowered to erect a wharf, dock or pier along the water front of his tract of land called Fish House, situated in James City county, on James river: provided said wharf, dock or pier shall not obstruct navigation, and shall be subject to the laws of this commonwealth governing wharves, docks or piers erected in the waters of this state.

2. This act shall be in force from its passage.

CHAP. 604.—An ACT for the relief of Mrs. Elizabeth Covington, widow of a Confederate soldier.

Approved March 3, 1896.

Whereas George Covington, a private in company K (Charlotte rifles), eighteenth regiment Virginia volunteers, Hunter's brigade, Pickett's division, and was severely wounded near Newberne, North Carolina, in spring of eighteen hundred and sixty-four, by a shell from a Federal gunboat, and which wound caused him to be totally disabled and to be discharged from the army and his death at his home in Charlotte county after the close of the war, and it appears from the affidavits and certificates of prominent citizens of the said county that his wife, Elizabeth Covington, is now a widow, old, crippled and helpless with no property or income, and was married to the said George Covington before the war, and that she receives no other pension and holds no office, Federal or state; therefore,

1. Be it enacted by the general assembly of Virginia, That upon the proof of the alleged facts before the county court of Charlotte, the auditor of public accounts is hereby authorized and directed to

place the name of Elizabeth Covington on the pension rolls as entitled to a pension as widow of a soldier killed in the late war between the states.

2. This act shall be in force from its passage.

CHAP. 605.—An ACT for the relief of William Gunter, a disabled Confederate soldier, of Patrick county, Virginia.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized to place the name of William Gunter, of the county of Patrick, on the list of Confederate soldiers who lost one leg in the late war who are entitled to commutation to disabled soldiers, allowed by an act of the general assembly, as approved March the fifth, eighteen hundred and eighty-eight, as amended March the first, eighteen hundred and ninety-two, and that said Gunter, as such disabled soldier, be entitled to the profits and provisions of said acts of assembly as fully as if he had lost his leg in action; but said William Gunter is to be listed and paid as of the beginning of the fiscal year eighteen hundred and ninety-five: provided, however, before being placed upon the pension list the county court of Patrick county shall certify to the auditor of public accounts that it was proven before it that the loss of the leg was occasioned by injuries received in the service of the Confederate states.

2. This act shall be in force from its passage.

CHAP. 606.—An ACT to allow a pension to Susan A. Rickman, of Halifax.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That Susan A. Rickman, widow of Thomas V. Rickman, who lost his life in consequence of diseases contracted during the war in military service of the Confederate states, between the states, shall be entitled to aid under an act of the general assembly of Virginia, approved March fifth, eighteen hundred and eighty-eight, entitled an act to give aid to soldiers, sailors, and marines of Virginia, maimed or disabled in the war between the states, and to widows of Virginia soldiers, sailors and marines who lost their lives in consequence of said war in the military service; but said Susan A. Rickman is to be listed and paid as of the beginning of the fiscal year eighteen hundred and ninety-three and ninety-four; provided that the facts herein alleged shall be proven before the county court of Halifax county.

2. This act shall be in force from its passage,

CHAP. 607.—An ACT to require corporations to furnish for record in the clerk's office of the county court of Wythe county the names of their officers and directors, and prescribing the penalty for failure to do so.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That every mining and manufacturing corporation, whether chartered by the laws of this state or of some other state, doing business in the county of Wythe, shall, within thirty days after each election of the officers and directors of said corporation, furnish to the clerk of the county court a transcript from the minutes of said corporation giving the names of said officers and directors, which transcript the clerk of the county court is required to place on file in his office, in a separate file for each year, and said clerk shall prepare an index in which he shall arrange, in alphabetical order, the names of all such corporations, for which service, in each case, the clerk shall be paid by said corporation a fee of fifty cents (50 cents).

For failure to file such transcript, each corporation so failing shall be fined not less than twenty-five nor more than one hundred dollars for every year that they fail to furnish such transcript. And if such transcript should not be filed as required by this act, then all service of legal process on any agent of said corporation shall be held to be sufficient service of such process on said corporation, even though the president or other officers, or some of the directors, may reside in the county where it is carrying on its business.

2. This act shall be in force from its passage.

CHAP. 608.—An ACT to amend and re-enact section 3528 of the code of Virginia, and to repeal section 3526 of the code of Virginia, in relation to fees of attorneys for the commonwealth.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section three thousand five hundred and twenty-eight of the code of Virginia be amended and re-enacted so as to read as follows:

§ 3528. To attorneys for the commonwealth.—For every case of felony tried in any circuit, county, or corporation court, to be charged only once in each case, the sum of ten dollars. For every case of misdemeanor prosecuted in any such court to judgment for the commonwealth, except prosecutions for violations of the revenue laws and for offences under section thirty-eight hundred and fifteen and the sections following to thirty-eight hundred and thirty-three, inclusive, the sum of five dollars; provided that in no case shall the attorneys for the commonwealth in any county or city receive from the state treasury more in any one year than the amounts hereinafter stated as follows:

The attorney for the commonwealth of the county of Accomac, three hundred and twenty dollars; of Albemarle, three hundred and seventy dollars; of Alexandria, two hundred and fifty dollars; of Alleghany, two hundred dollars; of Amelia, two hundred and twenty dollars; of Amherst, two hundred and fifty dollars; of Appomattox, three hundred dollars; of Augusta, four hundred and twenty dollars; of Bath, seventy-five dollars; of Bedford, three hundred and sixty dollars; of Bland, one hundred and twenty dollars; of Botetourt, two hundred dollars; of Brunswick, two hundred and twenty dollars; of Buckingham, three hundred dollars; of Buchanan, two hundred dollars; of Campbell, three hundred and sixty dollars; of Caroline, two hundred dollars; of Carroll, two hundred dollars; of Charles City, one hundred dollars; of Charlotte, one hundred and fifty dollars; of Chesterfield, two hundred and twenty dollars; of Clarke, two hundred dollars; of Craig, seventy-five dollars; of Culpeper, two hundred dollars; of Cumberland, two hundred dollars; of Dickenson, two hundred dollars; of Dinwiddie, two hundred dollars; of Elizabeth City, three hundred dollars; of Essex, two hundred dollars; of Fairfax, two hundred and twenty dollars; of Fauquier, two hundred and eighty dollars; of Floyd, three hundred dollars; of Fluvanna, two hundred dollars; of Franklin, three hundred dollars; of Frederick, two hundred and twenty dollars; of Giles, two hundred dollars; of Gloucester, two hundred dollars; of Goochland, one hundred and seventy-five dollars; of Grayson, two hundred dollars; of Greene, one hundred and twenty dollars; of Greenville, two hundred dollars; of Halifax, three hundred and fifty dollars; of Hanover, two hundred and twenty dollars; of Henrico, six hundred dollars; of Henry, two hundred and thirty dollars; of Highland, one hundred dollars; of Isle of Wight, two hundred dollars; of James City, one hundred dollars; of King and Queen, two hundred dollars; of King George, one hundred dollars; of King William, two hundred dollars; of Lancaster, one hundred and fifty dollars; of Lee, three hundred dollars; of Loudoun, two hundred and fifty dollars; of Louisa, two hundred dollars; of Lunenburg, two hundred dollars; of Madison one hundred and fifty dollars; of Mathews, one hundred dollars; of Mecklenburg, three hundred dollars; of Middlesex, one hundred and twenty dollars; of Montgomery, three hundred dollars; of Nansemond, two hundred and forty dollars; of Nelson, two hundred dollars; of New Kent, one hundred and twenty dollars, of Norfolk, seven hundred dollars, of Northampton, one hundred and fifty dollars; of Northumberland, one hundred dollars; of Nottoway, two hundred dollars; of Orange, one hundred and fifty dollars; of Page, two hundred and twenty-five dollars; of Patrick, two hundred dollars; of Pittsylvania, six hundred dollars; of Powhatan, one hundred dollars; of Prince Edward, three hundred dollars; of Prince George, one hundred dollars; of Princess Anne, one hundred dollars; of Prince William, two hundred dollars; of Pulaski, three hundred dollars; of Rappahannock, one hundred and fifty dollars; of Richmond, one hundred dollars; of Roanoke, two hundred dollars; of Rockbridge, two hundred dollars; of Rockingham, three hundred and sixty dollars; of Russell, two hundred and ten dollars; of Scott,

two hundred and sixty dollars; of Shenandoah, two hundred dollars; of Smyth, three hundred dollars; of Southampton, two hundred dollars; of Spotsylvania, one hundred and fifty dollars; of Stafford, one hundred dollars; of Surry, one hundred and fifty dollars; of Sussex, one hundred and fifty dollars; of Tazewell, five hundred dollars; of Warren, one hundred and fifty dollars; of Warwick, fifty dollars; of Washington, three hundred and forty dollars; of Westmoreland, one hundred and twenty-five dollars; of Wise, two hundred and twenty-five dollars; of Wythe, two hundred and thirty dollars; of York, one hundred dollars.

The attorney for the commonwealth of the city of Richmond, two thousand dollars; of the city of Norfolk, seven hundred and fifty dollars; of the city of Petersburg, four hundred dollars; of the city of Lynchburg, four hundred dollars; of the city of Roanoke, five hundred dollars; of the city of Alexandria, three hundred dollars; of the city of Portsmouth, three hundred dollars; of the city of Danville, three hundred and fifty dollars; of the city of Manchester, two hundred and fifty dollars; of the city of Staunton, two hundred and twenty-five dollars; of the city of Charlottesville, two hundred dollars; of the city of Winchester, two hundred dollars; of the city of Fredericksburg, one hundred and seventy-five dollars; of the city of Bristol, one hundred and fifty dollars; of the city of Radford, one hundred and fifty dollars; of the city of Buena Vista, seventy-five dollars; of the city of Newport News, four hundred dollars.

2. That section three thousand five hundred and twenty-six of the code of Virginia, be, and the same is hereby, repealed.

CHAP. 609.—An ACT to require the judges of courts and the clerks to certify to the auditor of public accounts lists of all allowances made by courts.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the judge of every court of this commonwealth making an allowance for the payment of any sum out of the treasury of the state within ten days after adjournment of said court, to certify to the auditor of public accounts a list of all allowances made during the term of said court, the date of the making of such allowance, the amount thereof, and to whom made; and a like certificate of all allowances made by said court shall be made off by the clerk of said court within ten days after adjournment of said court, under the seal of the court, and forwarded the said auditor, the form of which certificate shall be prescribed by him, and blanks of which shall be prepared by him and furnished the judges and clerks of the several courts of the commonwealth, and such form may be so prepared as to include more than one allowance made at the same term of any court.

2. It shall not be lawful for the auditor to draw any warrant on the treasurer in satisfaction of any allowance made by any court of the commonwealth until he shall have received notification, in pursuance of the foregoing section of this act, of the allowance by the court of such claims.

3. This act shall be in force from its passage.

CHAP. 610.—An ACT to allow a pension to Sarah Right, of Patrick county.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That Sarah Right, the widow of Josiah Right, who lost his life in consequence of exposure and disease contracted, namely, measles, during the war between the states, shall be entitled to aid under an act of the general assembly of Virginia, approved March the fifth, eighteen hundred and eighty-eight, entitled an act to give aid to soldiers, sailors and survivors of Virginia, maimed or disabled in the war between the states, and to widows of Virginia soldiers, sailors or marines who lost their lives in consequence of said war in the military service. But the said Sarah Right is to be listed and paid as of the beginning of the fiscal year eighteen hundred and ninety-five: provided, however, that before being placed on the pension list the county court of Patrick county shall certify to the auditor of public accounts that it was proven before it that the said Josiah Right had been duly furloughed.

2. This act shall be in force from its passage.

CHAP. 611.—An ACT to amend and re-enact section 3680 of the code of Virginia in reference to rape and its punishment.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section three thousand six hundred and eighty of the code of Virginia be amended and re-enacted so as to read as follows:

§ 3680. Rape: carnal knowledge of child under fourteen years of age or a lunatic, or a pupil in any deaf, dumb or blind institution; how punished.—If any person carnally knows a female at fourteen years or more against her will, by force or carnally know a female child under that age or a female inmate of any lunatic asylum, who has been adjudged a lunatic, or any female who is an inmate of a deaf, dumb or blind institution who is a pupil therein, he shall, in the discretion of the jury, be punished with death, or confined in the penitentiary not less than five nor more than twenty years.

2. This act shall be in force from its passage.

CHAP. 612.—An ACT to amend and re-enact sections 1714, 1715, 1717, 1724, and 1725, code of Virginia, in relation to the powers, duties, and compensation of the state board of health, and to make an appropriation for maintaining the same.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That sections one thousand seven hundred and fourteen, one thousand seven hundred and fifteen, one thousand seven hundred and seventeen, one thousand seven hundred and twenty-four, and one thousand seven hundred and twenty-five of the code of Virginia, be amended and re-enacted so as to read as follows:

§ 1714. State board of health; how constituted and appointed; term of office.—The governor shall appoint seven physicians, three from the city of Richmond, and the other four from different sections of the state, who shall constitute the state board of health and vital statistics. The physicians so appointed shall hold their office four years, and until their successors are appointed, and all the vacancies in the board shall be filled by the governor.

§ 1715. Their duties, powers and annual reports.—The state board of health shall place themselves in communication with the local boards of health, the hospitals, asylums, and public institutions throughout the state, and shall take cognizance of the interests of health and life among the citizens generally. They shall make sanitary investigations, and inquiries respecting the causes of disease, especially of epidemic and endemics, the sources of mortality among the white persons and the colored persons, and the effects of localities, employments, conditions, and circumstances on the public health; and they shall gather such information in respect to these matters as they may deem proper for diffusion among the people. They shall devise some scheme whereby medical and vital statistics of sanitary value may be obtained, and act as an advisory board to the state in all hygienic and medical matters, especially such as relate to the location, construction, sewerage, and administration of prisons, hospitals, asylums and other public institutions. They shall have power and authority as hereafter directed to adopt such rules and regulations, and issue such orders as may be necessary to prevent the spread of contagious or infectious diseases, and to confine persons infected therewith or who may have recently been exposed to the same, within prescribed limits. They shall, at each regular session of the general assembly, make a report of their doings, investigations and discoveries, with such suggestions, as to the legislative action required, as they may deem proper.

§ 1717. Meetings of board; president and secretary; quorum; their compensation.—The board shall meet at the capitol of the state at least once in every three months, and oftener if they deem necessary. Three members shall constitute a quorum. They shall elect from their own number a president and permanent secretary. The latter shall reside at the capital, and shall be their executive officer. The salary of the secretary shall be fixed by the board. The other members of the board shall receive no salary, but shall be paid the sum

of four dollars per day while engaged in the discharge of their duties, and their traveling expenses incurred while so employed. The expenses of the state board of health, which shall not in any one year exceed the sum of two thousand dollars, shall be paid by warrants drawn on the auditor of public accounts, signed by the president of said board, and countersigned by the secretary, out of any money in the treasury not otherwise appropriated.

§ 1724. Duties of the state board of health and of justices when small-pox, and so forth, is suspected.—If any member of the state board of health or a justice of any county shall have complaint, on oath, made to him, or if he shall have reason to think that there is on any lot, tenement, or plantation, or on board any vessel in said county, any person infected with small-pox, or other dangerous disease, it shall be the duty of said member of the board of health, or of said justice to issue a mandate in writing, addressed to two physicians of said county, requiring them to go to the place so suspected and to examine the persons diseased, if any, and to report in writing their opinion of such disease, and whether the public's interests require any action. If it appear to said board of health or said justice from said report that such person or persons are infected with small-pox or other dangerous disease, then said board of health or justice, whichever has first taken cognizance of the case, shall prescribe such rules and regulations as may be deemed necessary to prevent the spread of such disease; but the action of said justice shall be subject to the review of the local board of health, and for this purpose said board of health or justice may establish a quarantine at the place or places where such disease exists, and inhibit any ingress or egress to or from the same. They may, by proper orders, prevent any railroad train, steamboat or other conveyance from taking on or putting off passengers or freight at any point or points in or near the infected district. For the services required of the physicians under this section, a reasonable allowance shall be made to them by the board of supervisors at the next county levy thereafter.

§ 1725. Removal of persons infected to hospital.—The council or health officer of a city or town, or any two justices of a county or the state board of health, may cause any person in said city, town or county infected with any contagious or infectious disease, dangerous to the public health, to be removed to a hospital or other place for the reception of the infected, unless such person be sick in his own place of residence, or cannot be moved without danger to his life.

2. This act shall be in force from its passage.

CHAP. 613.—An ACT to amend and re-enact an act entitled “an act to provide for the payment of debts due by commission merchants,” approved February 27, 1894, and to provide remedies in respect thereto.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section one of an act entitled an act to provide for the payment of debts due by commission merchants, approved February twenty-seven, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

Whenever any farm product shall have been consigned to any commission merchant for sale, and the said commission merchant shall become insolvent or die before paying over the proceeds of the sale thereof to, or on account of, the consignor or owner of said farm product, the claim of such consignor or owner, when legally proved, shall be a lien on the estate of said commission merchant, subject only to such liens as were created on said estate and recorded prior to said sale; provided, however, that the benefit of this act shall not accrue to any consignor or owner who shall allow such proceeds to remain with such commission merchant at interest, nor to any consigner or owner who shall allow such proceeds to remain in the hands of such commission merchant more than thirty days after becoming informed of such sale.

2. Jurisdiction is hereby given to courts exercising circuit court powers in chancery to enforce the provisions of this act.

3. This act shall be in force from its passage.

CHAP. 614.—An ACT in relation to the fraudulent sale, negotiation, pledge or hypothecation of licensed warehouse or other licensed storage receipts, and to provide punishment in respect thereto.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That any firm or person, natural or artificial, who shall issue any licensed warehouse or other licensed storage receipt for farm product in his own name, being in possession of said farm product for or on account of another, and sell, negotiate, pledge or hypothecate such licensed warehouse or other licensed storage receipt and fraudulently fail to account for or pay over to his principal or the owner of the property the amount so received on such sale, negotiation, pledge or hypothecation less the charges and amount due him, shall be deemed guilty of the larceny of such money, or the farm product, or the receipt, and, upon conviction thereof, punished by confinement in the penitentiary not less than one year nor more than five years; and the failure to account for or pay over to such principal or owner shall be prima facie proof of fraudulent intent.

CHAP. 615.—An ACT to amend and re-enact chapter 598 of the act of the general assembly of Virginia, approved March 3, 1894, entitled "an act in relation to working and keeping in repair the roads and bridges of Alexandria county.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That chapter five hundred and ninety-eight of the act of the general assembly of Virginia, approved March third, eighteen hundred and ninety-four, entitled "An act in relation to working and keeping in repair the roads and bridges of Alexandria county," be amended and re-enacted so as to read as follows:

§ 1. That the judge of the county court of Alexandria county shall appoint a suitable person to take charge of the maintenance, repairs and construction of the public roads and bridges of said county, who shall be known as the superintendent of roads and bridges.

§ 2. It shall be the duty of said superintendent to have general supervision of all county roads and bridges; he shall keep and maintain said roads and bridges in safe condition for public travel, and he shall have all the rights, powers and privileges to take from convenient lands such wood, stone, gravel and earth as are conferred by existing laws on road surveyors or the superintendent of roads, and shall, except as hereinafter provided, employ such teams and labor at the current rates as may be necessary to the maintenance of the county roads and bridges, said rates to be approved by the board of supervisors.

§ 3. The superintendent herein provided for shall employ the county surveyor to make the surveys and estimates of work to be done on the county roads, whose compensation shall be fixed by the board of supervisors.

§ 4. The said superintendent of roads and bridges may employ three suitable persons to assist him in the supervision of the building and repairs of the roads and bridges, who shall be paid such wages for each day actually employed as may be fixed by the board of supervisors; and all repairs on the public roads shall be made in conformity with a uniform system, except such urgent repairs as are immediately required for public safety. No earth or dirt shall be placed on the roads except when necessary to give the required shape to the road bed, upon which shall be placed broken stone or gravel or both.

§ 5. The said superintendent is to give a bond in the amount not less than the sum of one thousand dollars for the faithful performance of his duties. His term of office shall be for two years, and until his successor is chosen and qualified. He shall render monthly reports to the board of supervisors of work done, number of hands employed, material bought and used, and supplies on hand. His compensation shall be at the rate of six hundred dollars per annum.

§ 6. Not more than five hundred dollars shall be expended in any one fiscal year for repairs to roads in each magisterial district except

under the contract system hereinafter provided for. All other work on the roads shall be by contract, and in the letting of such contracts the board of supervisors shall cause to be posted in the most public and conspicuous place at each post-office in the county of Alexandria, at least two weeks before the letting of said contract, a notice of the proposed letting of said work, and written bids therefor shall be invited. The plans and specifications of said work and the estimates of the kinds and quantities of said work and of materials required, shall be accessible to all bidders at least ten days before the letting. Said bids shall be filed with the clerk of the board of supervisors, and they shall be by him kept unopened until the first regular meeting of said board two weeks subsequent to the advertisement for the bids, at which time said bids shall be opened and the contract for said work or materials shall be awarded by the board of supervisors to the lowest responsible bidder (in the presence of such citizens of the county as may desire to be present), who shall be required to furnish within ten days after said award a bond, to be approved by said board in double the gross amount of his contract; said contract and bond also to be approved by the the judge of the county court. No work upon the roads in any district shall be undertaken unless there is sufficient money to the credit of said district to pay for same, or, in case of contract work, shall be estimated by the treasurer of said county as likely to be on hand at the time of the completion of such contract. The portion of the county roads to be improved under the contract system above provided for shall be designated by the superintendent of roads.

§ 7. That the term of office of the present superintendent of roads of Alexandria county shall cease and terminate whenever the superintendent herein provided for shall enter upon his duties.

§ 8. That in the expenditure of money upon the county roads, the road fund of each magisterial district shall be kept separate, and shall be applied exclusively within the limits of said district.

§ 9. The county treasurer shall make to the board of supervisors at each monthly meeting of said board a written statement showing the amount of taxes paid during the current fiscal year to date in each magisterial district, and the amount of cash in hand belonging to each district, and said statement shall be entered upon the minutes of the board of supervisors.

§ 10. This act shall take effect from and after its passage, and all acts and parts of acts in conflict therewith are hereby repealed.

CHAP. 616.—An ACT for the relief of J. E. Allbrook, a wounded Confederate soldier of Prince Edward county, Virginia.

Approved March 3, 1896.

Whereas J. E. Allbrook, a Confederate soldier of Prince Edward county, was wounded in the battle of Cold Harbor June first, eighteen

hundred and sixty-four, in such a manner as to totally disable him for manual labor and he is technically denied benefit of an act to provide pensions for soldiers and sailors of Virginia wounded or disabled in war between the states; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and is hereby, directed to place the name of the said J. E. Allbrook on the pension rolls as entitled to a pension of thirty dollars per annum as if he were entitled to such a pension by the general law to provide pensions for wounded soldiers, sailors and marines of Virginia in war between the states: provided that he shall first get the certificate of the county court of Prince Edward that he was so disabled, and that he is not ineligible by reason of property in his or wife's name in excess of one thousand dollars, or by being an office-holder with salary of three hundred dollars per year, or by reason of receiving any other pension.

2. This act shall be in force from its passage.

CHAP. 617.—An ACT for the relief of C. D. Diggs, late deputy treasurer of the county of Cumberland.

Approved March 3, 1896.

Whereas C. D. Diggs, late deputy treasurer of Cumberland county, has in his hands various tax tickets which have been fully accounted for to the state and county; therefore,

1. Be it enacted by the general assembly of Virginia, That the said C. D. Diggs, late deputy treasurer as aforesaid, shall have the same power of levy and distress as is now possessed by treasurers and their deputies under the revenue laws until September first, eighteen hundred and ninety-six, to collect the uncollected tax tickets now in his hands for the years eighteen hundred and ninety-two and eighteen hundred and ninety-three, which have been duly accounted for to the proper fiscal agents.

2. This act be in force from its passage.

CHAP. 618.—An ACT to amend and re-enact section 5 of an act entitled "an act to create a board of excise commissioners for Alexandria county," approved March 2, 1894.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section five of an act approved March second, eighteen hundred and ninety-four, entitled "an act to create a board of excise commissioners for Alexandria county," be amended and re-enacted so as to read as follows:

No person who is engaged in the sale of intoxicating liquors shall be eligible to be selected a member of said board of excise.

§ 5. Two members of said board of excise shall constitute a quorum. The secretary of the board shall keep in a book, to be provided by the county, minutes of the proceedings, in which shall be entered a memorandum of the action of the board on each application. This memorandum shall show the name of the applicant, the nature of the business, the place at which it is sought to be conducted, whether the application was granted or rejected, and the date of the same. Said board shall meet on the fourth Monday of every month at the county court-house to consider applications for and protests against (either in writing or orally) the granting of licenses herein provided for. All applications for licenses shall be filed with the secretary of the board at least ten days prior to the time at which they are to be considered and acted upon.

CHAP. 619.—An ACT for the relief M. P. Fulcher of the county of Floyd.

Approved March 3, 1896.

Whereas one M. P. Fulcher was tried at the October term, eighteen hundred and ninety-one, of the county court of Floyd county and found guilty of carrying concealed weapons; and

Whereas he was fined forty dollars and required to pay the costs of the proceedings; and

Whereas since that time the said Fulcher has filed his petition in the circuit court of the county of Floyd, taking the steps prescribed by law to secure relief at the hands of the legislature; and

Whereas the said Fulcher has the request of a large number of the jurors who tried him that he be released from this fine; and

Whereas he has in addition to the recommendation of the judge of the county court who tried him, as well as other court officials, that he be relieved; and

Whereas the commonwealth's attorney who prosecuted him certifies that since the trial he has become doubtful whether the said Fulcher was guilty of the crime of which he was convicted; and

Whereas on that account the said attorney for the commonwealth also recommends that the fine be remitted; therefore,

1. Be it enacted by the general assembly of Virginia, That the said M. P. Fulcher, provided that he pay all costs of the prosecution and of relief under this act, be, and he hereby, is relieved from all liability whatsoever on account of the fine imposed upon him by the judgment of the county court, in conformity with the verdict of the jury aforesaid, finding the said Fulcher guilty of carrying concealed weapons and assessing his fine at forty dollars.

2. This act shall be in force from its passage.

CHAP. 620.—An ACT to incorporate the Alleghany rod and gun club.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That W. S. Battle, C. M. Boyd, J. G. Osborne, R. H. Adams, J. D. Smith, C. B. Beamer, C. L. Drake, S. O. Malin, J. M. Bressler, William Ingles, I. W. Wilson, H. Lynch, Everett Buck, C. B. Mount, R. L. Jordon, George W. Miles, George Kearsley, W. P. Edmonds and Lewis Harvey, or such of them as may accept the provisions of this act, and such other persons as may be hereafter associated with them, their successors and assigns be, and they are hereby, created and constituted a body politic and corporate under the name and style of the Alleghany rod and gun club, for the purposes and with the powers and privileges herein contained, and by that name shall be known in law, sue and be sued at law or in equity in the courts of this commonwealth, plead or be impleaded, to have perpetual succession, to have a common seal, and to break, alter, or amend the same at pleasure, contract and be contracted with, and to have all other powers and privileges, not herein specially enumerated, which are conferred upon corporations under the general laws of this commonwealth.

2. It shall be lawful for the said club to purchase, hold, lease and convey property, real and personal, and to acquire the same by gift, grant, lease, or devise, and to establish upon the real property so acquired or held preserves for the protection, preservation, increase and breeding of fish and other water species, and deer, hare, fox and other animals, and duck, geese, partridges, pheasants and other wild fowl and game of every species whatsoever for the sole use and benefit of the members of said club: provided that the real estate so acquired and held by said club shall not exceed ten thousand acres at any one time, and the amount of personal property so acquired and held by said club shall not exceed the sum of ten thousand dollars in value at any one time.

3. The said club, or its duly authorized officers or agents, may appoint such officers, agents, wardens and keepers as the said club may deem necessary for the care, preservation and protection of its property and such fish and game as may be placed, found or bred thereupon. The appointment of such officer, agent, warden or keeper shall be subject to approval of the county or corporation court of the county or corporation wherein any separate tract, or the greater portion thereof, of land or other property owned, held or controlled by the said club is situated, and shall qualify in such court by taking the oath required by law to be administered to the police officers of this commonwealth, and after such qualification shall be a conservator of the peace and possess all of the powers of police officers of this commonwealth within the boundaries of the property of said company.

4. It shall be unlawful for any person without the consent of the said club or some proper officer, agent or member thereof, given pur-

suant to the by-laws, rules and regulations of said club, to go upon the lands of said club, or any building, lands, streams or other property owned, occupied, held or controlled by it.

5. In addition to the maximum amount of real estate herein prescribed to be held by the said club it may acquire by gift, grant, lease or devise, or in the manner hereinafter provided, riparian rights in any stream or streams, or any tributary thereof, from the source to the mouth thereof, a portion of which flows through or forms a boundary of any tract of land owned, held or controlled by the said club, for the purpose of stocking the same with fish or other water species, or for the construction and maintenance of appliances for the protection thereof, and for a distance of forty feet from the margin thereof in either direction.

7. The said club may erect, lease or acquire in any manner and maintain a club-house or club-houses for its comfort and convenience and for the promotion of social intercourse among its members.

8. The said club may make, alter and amend such by-laws, rules and regulations, and appoint such officers and agents, and prescribe the duties thereof, for the government of all persons and things and property under its control and authority, for the management of its estate, and the due and orderly conduct of its affairs; provided that the same be not inconsistent with the laws of the United States and of this commonwealth.

9. All taxes due the commonwealth of Virginia by the said club shall be paid in lawful money of the United States, and not in coupons.

10. The general assembly of Virginia reserves to itself the right to amend, alter and repeal this charter at any time.

11. This act shall be in force from its passage.

CHAP. 621.—An ACT to amend and re-enact section 814 of the code, as amended by acts of assembly 1893-'94, in relation to bonds of officers.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and fourteen of the code of Virginia, as amended by the acts of eighteen hundred and ninety-three and ninety-four, be amended and re-enacted so as to read as follows:

§ 814. Bonds of officers.—Every county treasurer, the sheriff of a county, clerk of a county or corporation court who is also ex-officio the clerk of the circuit court of the county or corporation, every separate clerk of a county, corporation, or circuit court, the clerk of the hustings court of the city of Richmond, the clerk of the chancery court of the said city, and every commissioner of the revenue, superintendent of the poor, county surveyor or supervisor, constable, or overseer of the poor, shall, at the time he qualifies, give such bond as is prescribed by section one hundred and seventy-seven. The

penalty of the bond of each officer to be determined within the limits herein prescribed by the court or judge before whom he qualifies shall be as follows: Of the bond of the county treasurer, not less than double the amount to be received annually by him, but provided that if said county treasurer shall elect to give as surety on his bond some guaranty or security company doing business in the state of Virginia and deemed sufficient by the court before whom he qualifies, the form of said bond to be prescribed by the auditor of public accounts, the said bond shall not exceed the amount to be received annually by him: provided that nothing in this act shall be construed as requiring the commonwealth or any county in the state to pay the cost of said security when given by such guaranty or security company; of the bond of a sheriff of a county, not less than ten nor more than sixty thousand dollars; of the bond of the clerk of a county or a corporation court who is also ex-officio clerk of the circuit court of the county or corporation, not less than three thousand nor more than ten thousand dollars, and the bond of such clerk of the county or corporation court shall bind him and his sureties not only for the faithful discharge of his duties as the clerk of said court, but also for the faithful discharge of his duties as the clerk of the said circuit court in like manner and with the same effect as if it was so expressed in the condition of his said bond; of the bond of the separate clerk of a county, corporation, or circuit court; of the clerk of the hustings court of the city of Richmond, and of the clerk of the chancery court of the said city, each not less than three thousand nor more than ten thousand dollars; of the bond of the commissioner of the revenue, three thousand dollars; of the bond of the superintendent of the poor, not less than four thousand dollars; of the bond of a county surveyor, not less than two thousand dollars; of the bond of a supervisor, not less than one thousand nor more than two thousand five hundred dollars, except as to the county of Northampton, where the penalty of the bond of a supervisor may, in the discretion of the judge of the county court, be fixed in a sum not exceeding five thousand dollars; of the bond of a constable, not less than two thousand dollars; of the bond of an overseer of the poor, double the amount that will actually pass through his hands as such overseer, not less, in any case, than five hundred dollars.

2. This act shall be in force from its passage.

CHAP. 622.—An ACT to allow W. J. Woods, treasurer of Giles county, and his deputies, further time for collecting uncollected taxes in Giles county.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That W. J. Woods, treasurer of Giles county, Virginia, or any of his deputies, be, and they are hereby, allowed one year from the passage of this act to distrain and levy for any unpaid tax tickets in his or their hands

for which he has accounted to the proper officials for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, eighteen hundred and ninety-four, and eighteen hundred and ninety-five, which have not been returned delinquent.

2. This act shall be in force from its passage.

CHAP. 623.—An ACT to amend and re-enact sections 15 and 22 of an act entitled an act to incorporate the town of Crewe, in the county of Nottoway, approved March 3, 1894.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section fifteen of an act of the general assembly of Virginia, entitled an act to incorporate the town of Crewe, in the county of Nottoway, approved March third, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 15. For the purpose of paving and improving the streets of said town the said council may levy annually a sufficient tax, but in no case shall the whole levy exceed seventy-five cents on the one hundred dollars for all purposes.

§ 22. The town shall not be liable to road tax by the county so long as it keeps its streets in order.

2. This act shall be in force from its passage.

CHAP. 624.—An ACT to legalize primary conventions in the counties of Accomac and Northampton.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for any political party in the counties of Accomac and Northampton, in this state, previous to any general election held for the purpose of electing any state, municipal or federal officers, should they desire so to do, to hold a primary election or convention for nomination of candidates for the offices to be voted for at the said ensuing general election upon such rules and regulations as may be prescribed by the local executive committee of such party; provided, however, that such primary election or convention be not held more than thirty nor less than twenty days previous to such general election; and provided, further, that the expense of conducting the said primary election or convention be borne by the party conducting and holding the same.

2. The local executive committee of said party shall determine the rules and regulations upon which said primary election or conven-

passed 622 1896

for the protection and preservation of the fish in the Potomac river.

Approved March 3, 1896.

Whereas difficulty has arisen in the adoption of adequate legislation regulating the taking of fish in the Potomac river, in consequence of the compact existing between the states of Maryland and Virginia applicable to the taking of fish in the Potomac and Pocomoke rivers; and

Whereas it is intended that the provisions of this act shall be made effective by the states of Virginia, West Virginia, and Maryland; therefore,

1. Be it enacted by the general assembly of Virginia, That it shall not be lawful for any person to catch or kill any black bass, green bass, rock bass, pike (or pickerel), or wall-eyed pike (commonly known as salmon), in Potomac river between the fifteenth day of April and the first day of June of each year; nor to catch or kill any of said species of fish at any other time during the year save only with a rod, hook and line, or dip net.

2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and shall be punishable on conviction by imprisonment in the county jail not exceeding six months or by a fine not exceeding two hundred dollars, or by fine and imprisonment. And it shall be the duty of the courts for the counties abutting on the Potomac river above the little falls at each session of the grand jury to call its attention to the provisions of this law.

3. That the provisions of this law shall not be applicable below the little falls, near Washington, and that the same shall become effective whenever they shall be adopted by the respective named states.

4. Where the words hook and line appear in section one it is intended that they shall not apply to what is known as trot-lines or out-lines.

5. This act shall be in force from its passage.

CHAP. 629.—An ACT to make the boundary lines of lots or tracts of land in Capeville magisterial district, in the county of Northampton, a lawful fence.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That on and after the first day of January, eighteen hundred and ninety-seven, the boundary lines of each lot or tract of land situated in Capeville magisterial district, in the county of Northampton, be, and the same are hereby, declared to be a lawful fence; and on and after the said first day of January, eighteen hundred and ninety-seven, it shall not be lawful for the owner or manager of any horse, mule, swine, sheep, goat, or cattle of any description to permit the said animals to go at large beyond the limits or boundaries of his or her own land; and if any of the animals enumerated herein shall thereafter be permitted or found going at large upon the lands of any person other than the owner or manager, such owner or manager shall be liable for all damage or injury done by the said animals to the owner of the crops or lands upon which they trespass, and shall be subject to the provisions of sections twenty hundred and forty-two, twenty-hundred and forty-nine, and twenty-hundred and fifty of the code of Virginia, whether the said animals wander from the premises of their owner or manager in Capeville magisterial district, in which the trespass was committed, or from any other magisterial district in said county.

2. All the provisions of an act entitled an act to allow the voters of Northampton county to vote on a fence law, approved January twenty-third, eighteen hundred and ninety-six, applicable to the said Capeville magisterial district be, and the same are hereby, repealed, and all other provisions of said act shall remain in full force as to the other magisterial districts in said county.

§ 3. This act shall be in force from its passage.

CHAP. 630.—An ACT to incorporate the McDaniel and Farmville academy.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That H. H. Mitchell, Richard W. Watson, W. F. Fowlkes, Nelson Jordan, Edward Matthews, W. H. Coleman, Richard Young, Booker Saunders, George Robertson, J. B. Matthews, Thomas F. Blue, Moses Booker, Moses Thomas, J. B. Smith, C. L. Bethell, William Miller, Morgan Reed, C. H. McDaniel, and their associates and successors, be, and they are hereby, made a body politic and corporate under the name and style of the McDaniel and Farmville academy, of Farmville, and by that name shall have perpetual succession and a common seal, sue and be sued, plead and be impleaded, purchase, receive, and hold, sell and dispose of any property real and personal, necessary and proper for the use and benefit of said academy, and under their common seal make and establish from time to time such rules and by-laws, not contrary to the laws of Virginia, for the government and control of the professors and students thereof, and for the conduct and maintenance of the academy.

2. The president of the said McDaniel and Farmville academy, of Farmville, shall have power and authority to award to any student or students he may deem worthy diplomas.

3. All rights, powers, privileges, exemptions, and immunities secured by the laws of Virginia to like academies or institutions are also hereby granted to the said McDaniel and Farmville academy, of Farmville, hereby incorporated. It shall be free from all taxation, and subject in all respects to the laws of Virginia in such cases made and provided.

4. This act shall be in force from its passage.

CHAP. 631.—An ACT to incorporate the Broadwater oyster association for the following purposes: To promote by the application of scientific methods, by experimental research, and by all other appropriate means, the propagation, cultivation, and improvement of the oyster; to plant oysters in Virginia waters on the east or ocean side of Northampton county; to fatten oysters in the artificial parks and elsewhere; to shuck and prepare oysters for the market, and to take, buy, sell, and deal in oysters, clams, and other shell fish.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That Joseph L. Ferrell, Zoro Willis, O. F. Meass, and G. S. Kendall, residents, and Thomas S. Parvin, John C. Sims, Samuel T. Wellman, Francis K. Hipple, Daniel S. Newhall, and William C. Alderson, non-residents of the state of Virginia, or such of them as may accept the provisions of this act, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate

under the name and style of Broadwater oyster association, and by that name shall be known in law and shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether at law or in equity; and may make and have a common seal, and alter and renew the same at pleasure; and shall have, enjoy, and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the purposes of this act; and may make by-laws, rules and regulations consistent with the existing laws of the state of Virginia for the government of all under its authority, the management of its properties, and the due and orderly conduct of its affairs.

2. The said association is authorized and empowered to promote, by the application of scientific methods, by experimental research, and by all other appropriate means, the propagation, cultivation, and improvement of the oyster; to plant oysters in Virginia waters on the east or ocean side of Northampton county; to fatten oysters in artificial parks and elsewhere; to shuck and prepare oysters for the market, and to take, buy, sell and deal in oysters, clams, and other shell fish: provided, however, that no oysters shall be taken by the said association except for planting the same upon the lands to be assigned to the said association as hereinafter provided or for shipment after being so planted; and provided, further, that the said association shall only employ, in taking or catching oysters residents of the state of Virginia within the meaning or as defined by the general laws of this state for taking or catching oysters, and the said association may, for its operations, occupy at the same rent per acre and on the same terms as individual citizens or residents of this state, oyster planting grounds in one or more parcels in the waters aforesaid, consisting of marsh and shoal, bed and bottom, to the amount of not exceeding in the aggregate at any one time five hundred acres, and may have the same surveyed, planted, and assigned to it on application to the proper officer in the manner provided by law; and may, in addition thereto, buy, lease, or otherwise acquire, own, hold, use, sell, or otherwise dispose of all such land on the island of Broadwater (formerly known as Hog island) and elsewhere, not exceeding in the aggregate at any one time three thousand acres, together with artificial parks, shucking and packing houses, warehouses, and other buildings, wharves, water works, machinery, vessels, boats, wagons, cars, and other vehicles, tools, and other property necessary or useful for the operations of the association.

3. The said association shall have a capital stock, which shall be not less than fifty thousand dollars, and may, with the consent of a majority of the stockholders of the association, be increased from time to time to any amount not exceeding five hundred thousand dollars by the issue or sale of shares, the par value of which shall be one hundred dollars each, upon such terms and conditions and under such regulations as may be prescribed by the board of directors of the association; and of the entire capital stock of the association such part shall be preferred and such part common as the board of directors of the association shall from time to time determine; and the directors may receive real or personal property, contracts, ser-

vices, or other things of value in full or part payment or exchange for such issue or sale of the capital stock.

4. The persons first named in this act, or such of them as shall accept the provisions hereof, shall organize the association, constitute its first board of directors, and continue in office until the first meeting of the stockholders thereof. At such first meeting, and at every annual meeting, as many directors shall be elected as may be prescribed by the by-laws of the association: provided that the number shall not be less than five; and the directors so elected may be removed by the stockholders in general meeting, but unless so removed they shall continue in office until their successors shall be elected and qualified. Each stockholder in the association shall at all meetings or elections be entitled to one vote for each share of stock registered in his name.

5. The directors shall choose one of their number president, and may fill all vacancies that may occur in the board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever the board of directors shall have elected a president and the minimum amount of capital stock herein named shall have been subscribed, issued, or sold, the association shall be considered legally organized, and may proceed to the transaction of business. The board shall appoint, to hold during its pleasure, the subordinate officers and agents of the association, prescribe their compensation, and take from them such bonds, with security, as they may deem fit.

6. The board of directors may establish offices and agencies at such places in this state and elsewhere as they may deem proper, but the principal office of the association shall be located at Broadwater island, in the state of Virginia.

7. The annual meeting of the stockholders of the association shall be held at the principal office of the association at such time as the by-laws of the association may prescribe. A general meeting of the stockholders of the association may be held at any time in accordance with section eleven hundred and fourteen of the present code of Virginia.

8. The association shall issue certificates of its stock in shares of one hundred dollars each, signed by the president and countersigned by the secretary of the association. The said shares shall be transferable only upon the books of the association by the stockholders, their personal representatives or duly authorized agents or attorneys, and the said certificates, when the stock represented by them is transferred as aforesaid, shall be returned to the said association and cancelled, and new certificates of stock shall be issued in lieu thereof to the person entitled thereto for a like number of shares.

9. It shall be lawful for said association to borrow money and to issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper in the prosecution of its business, and the association may secure the payment of said bonds by mortgages or deeds of trust upon all and any portion of its property and franchises, including its franchise to be a corporation; and it shall be lawful for the association to subscribe

for, own, and hold the stock and bonds of any companies or associations incorporated in this state or elsewhere; and any corporations or citizens of this or any other state may subscribe for, own, and hold the stock and bonds of this association.

10. No stockholder in the said association shall be held liable or made responsible for its debts and liabilities in a larger or further sum than the amount of any unpaid balance due to the said association upon his stock according to the sale or issue thereof.

11. All taxes and debts due or to become due to the state of Virginia by the association shall be paid in lawful money of the United States, and not in coupons.

12. Work shall be commenced under this charter within twelve months from its passage.

13. This act shall be in force from its passage.

CHAP. 632.—An ACT to authorize the board of supervisors of the county of Lancaster to increase the salary of the judge of the county court of said county.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of the county of Lancaster is hereby authorized to increase the salary of the county judge of the said county so that the same shall not be less than two hundred dollars nor more than three hundred and fifty dollars per annum and mileage.

2. This act shall be in force from its passage.

CHAP. 633.—An ACT to amend and re-enact section 2 of an act approved February 22, 1890, entitled an act to extend the boundaries of the city of Norfolk, and to amend and re-enact sections 5, 6, and 12 of said act, as amended by an act approved February 12, 1892, entitled an act to amend and re-enact sections 5, 6, and 12 of an act entitled an act to extend the boundaries of the city of Norfolk, approved February 22, 1890.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section two of an act approved February twenty-second, eighteen hundred and ninety, entitled an act to extend the boundaries of the city of Norfolk, and that sections five, six, and twelve of said act, as amended by an act approved February twelfth, eighteen hundred and ninety-two, entitled an act to amend and re-enact sections five, six, and twelve of an act entitled an act to extend the boundaries of the city of Norfolk, approved February twenty-second, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 2. The annexed territory shall be known as the sixth, or Atlantic City, ward, and shall be entitled to three representatives in the city councils, to be elected by the voters of the ward. This ward and the remaining wards of the city shall remain as at present bounded until a reapportionment of the city of Norfolk shall be made by the legislature.

§ 5. The city shall assess the same license taxes for doing business of all kinds within the newly-acquired territory as shall be assessed within the present limits of the city, but, save such license taxes, the inhabitants of the territory hereby annexed and the owners of lands lying therein, shall not be liable on their real and personal property within the said ward for the period of fifteen years from the twenty-second day of February, eighteen hundred and ninety, for any part of the present debt of the city of Norfolk, nor for the interest thereon; nor shall any tax be levied therefor, nor shall they have to pay an ad valorem tax to the city exceeding the rate levied by the county of Norfolk for general purposes for the year eighteen hundred and eighty-six, namely, seventy cents on the one hundred dollars, unless for the purpose of paying interest on bonds which may be issued under section twelve of this act, an increase over the said rate of taxation be ordered by a majority of the votes cast on this question in any election of the said ward; and whether or not such an increase shall be made shall be submitted to the vote of the qualified electors of the said ward at any regular or special election by the city councils, upon the recommendation of the local board of improvement of the said ward, notice thereof being published for at least thirty days prior to such election in some newspaper published in the city of Norfolk, and unless the city shall, upon the recommendation of the local board of improvement of said ward, acquire otherwise than by gift or voluntary grant or devise, property, real or personal, for public free school purposes in said ward, or shall erect a public free school building or buildings, or shall enlarge or repair existing public free school buildings in said ward and the cost thereof, unless the school tax, as provided in section six of this act, shall be sufficient for that purpose, shall be paid from the proceeds of the sale of bonds to be issued by the city in accordance with section twelve of this act; and unless, further, the city shall, upon petition of a majority of the property owners on any street in the newly acquired territory, approved by the local board of improvement, open, lay off, grade, gutter, curb, or pave, sewer, drain, or otherwise improve such streets, or make any other improvement of a permanent character, in which case the cost thereof shall be assessed against the owners of real property which is benefited by such improvements, as is at present provided by law in said city; and any part of the cost of the same that the city may agree to pay shall be paid as is hereinafter provided for by section twelve of this act. The city shall, upon a petition of a majority of the property owners on any street in the newly-acquired territory, extend a water main and supply water to the citizens along its line; then, in addition to the ad valorem tax for general purposes, payable to the city of Norfolk as aforesaid, the same rate of special water tax shall be assessed on the

real and personal property along the line of such street as may be assessed upon the property within the present limits of the city of Norfolk during the year for which such assessment shall be levied, and the same charges shall be made upon those property owners who shall connect their property with the said water main as shall be made upon other property owners in the city of Norfolk, and the cost of laying such water main may be paid by the city as may be ordered by the councils, on the recommendation of the local board of improvement of the said ward, in whole or in part, out of the tax collected for general purposes from such ward, and any balance not so paid shall be paid from the proceeds of bonds to be issued by the city, in accordance with section twelve of this act.

§ 6. All taxes levied and collected upon persons and property within the limits hereby added to the city of Norfolk, excepting water tax and license taxes, shall be collected by the city collector, who shall, after deducting his fees, pay the same into the treasury of the city, to be set apart as a special fund for the improvement, protection of schools, police and every other expenditure of the said ward from which it is collected, to be appropriated by the councils on the recommendation of a local board of improvement in the said ward, the said board being at present composed of the five residents of said ward elected by the legally qualified voters of said ward on the fourth Thursday in May, eighteen hundred and ninety-four, who shall hold office for the term of two years from and after the first day of July succeeding their election and until their successors are elected and qualified; and the said board thereafter to be composed of five residents of said ward, to be elected by the legally qualified voters of said ward on the fourth Thursday in May, eighteen hundred and ninety-six, to hold office for the term of two years from the first day of July, eighteen hundred and ninety-six, and until their successors are elected and qualified, and biennially thereafter; and all bills for money spent within said ward shall be certified by the said local board of improvement before being ordered to be paid by the councils. All works of internal improvement within the newly annexed territory shall be under the supervision of the board of street, sewer and drain commissioners, as provided by law within the present limits of the city. It shall not be lawful for the councils, during the before mentioned period of fifteen years from the twenty-second day of February, eighteen hundred and ninety, to expend more money in the ward hereby added to the city of Norfolk than shall be collected during the year, as hereinbefore provided, from said ward, unless the same be an unexpended balance collected during some previous year, except as provided by section five.

§ 12. It shall not be lawful for the city of Norfolk to issue bonds predicated upon or taking into account the assessed value of real and personal property embraced within the newly acquired territory until the expiration of fifteen years from the twenty-second day of February, eighteen hundred and ninety, unless the same shall be issued by the city to pay for the purchase of property to be used for public free school purposes in said ward, or for the erection or repair or enlarging of public free school buildings in said ward, in accord-

ance with section five of this act, or for any local improvements of a permanent character made in accordance with said section five, in which case bonds shall be issued by the councils of the city of Norfolk for the amounts necessary to pay for such public free school property, or such erection, enlarging or repairing of public free school buildings in said ward and other local improvements as aforesaid; provided the amount appropriated for such public free school purposes shall not exceed the sum of fifteen thousand dollars in any one calendar year, beginning with the first day of January; and the proceeds of said bonds shall be expended in the manner provided by section six of this act for the expenditure of the taxes collected for general purposes. An account of bonds issued under this section shall be kept by the board of sinking fund commissioners of said city and also by the city treasurer. The amount necessary to pay the interest on such bonds shall be annually reserved by the city treasurer out of the taxes collected by the said city from the said ward to pay the interest on the said bond as it becomes due and payable.

2. This act shall be in force from its passage.

CHAP. 634.—An ACT to allow James E. Carruthers, treasurer of Loudoun county, and his deputies, further time in which to collect uncollected tax-tickets in their hands and not returned delinquent.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That James E. Carruthers, late treasurer of Loudoun county, and his several deputies, be, and they are hereby, given authority to collect by distress, levy, or otherwise all taxes assessed for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, and eighteen hundred and ninety-four in said county that have not been collected and that have not been returned delinquent, and the right to collect said taxes shall continue for two years from the approval of this act.

2. This act shall be in force from its passage.

CHAP. 635.—An ACT authorizing board of supervisors of Accomac county to levy a tax on real and personal property in Island district, for the erection of a lock-up on Chincoteague island, Accomac county.

Approved March 8, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Accomac county be authorized to levy a tax,

not to exceed the sum of ten cents on every one hundred dollars of the property—real, personal, and mixed—in Island district, in the said county, assessed for taxation for state purposes, and out of the proceeds so to be derived from such levy to erect on Chincoteague island, in said county, a house in which to lock up persons under lawful arrest until they can be removed to the county jail of said county. The said house shall be built in such manner as the said board of supervisors shall direct.

2. After said house has been built any sheriff, constable, or other officer having under arrest, upon Chincoteague island, any prisoner, may confine such prisoner or prisoners in the said house until such prisoner or prisoners can be removed to the county jail of said county.

3. This act shall be in force from its passage.

CHAP. 636.—An ACT providing for the appointment and removal of coroners, and for the enacting and re-enacting of section 891 of the code of Virginia, 1887.

Approved March 8, 1896.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and ninety-one of the code of Virginia, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 891. Coroners, how appointed and removed.—The judge of each corporation and county court of the state shall, on the first day of July, eighteen hundred and ninety-six, and every two years thereafter, appoint for his city or county, as the case may be, one person, who shall be the coroner of such city or county, who shall qualify according to law and serve until his successor is appointed and qualifies. If the court shall be of opinion that one coroner is not sufficient, he may appoint as many more as to him may seem proper. Coroners may be removed from office as provided in section eight hundred and twenty-one of this code for the removal of certain officers.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 637.—An ACT to amend and re-enact section 7 of an act entitled an act to establish an additional court for the city of Norfolk, and to define its jurisdiction, approved February 12, 1894.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section seven of an act entitled an act to establish an additional court for the city of Norfolk, and to define its jurisdiction, approved February twelfth, eighteen hundred and ninety-four, be re-enacted so as to read as follows:

§ 7. The court of law and chancery shall have five commissioners in chancery, to be appointed by the judge of said court, one of whom shall be designated as the commissioner of accounts for said court.

2. This act shall be in force from its passage.

CHAP. 638.—An ACT to amend and re-enact section 3, chapter 537, of an act approved March 1, 1894, acts of assembly 1893-'94, entitled an act for the working of the county roads of Richmond and Lancaster.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section three, chapter five hundred and thirty-seven, of an act approved March first, eighteen hundred and ninety-four, acts of assembly eighteen hundred and ninety-three and ninety-four, entitled an act for the working of the county roads of Richmond and Lancaster, be amended and re-enacted so as to read as follows:

§ 3. The said board of supervisors shall meet annually the first Wednesday of every March, June, September, and November, and at any other time a quorum of the said board may deem it necessary to especially consider matters pertaining to the working and keeping the public roads in order. For such actual attendance each member may receive two dollars per day, to be paid out of the road fund; provided, however, that no member shall be allowed over twelve dollars in any year. No contract made by the said board of supervisors, or any member thereof, under the provisions of this act, shall be operative until and except from the time the same shall be approved by the county court of the county or the judge thereof in vacation. No member of the board of supervisors in said counties shall have any pecuniary or personal interest in any contract made and entered into in relation to working and keeping in repair any of the public roads in the counties aforesaid. Any member of the board of supervisors who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

2. This act shall be in force from its passage.

CHAP. 639.—An ACT to amend and re-enact an act approved February 4, 1892, entitled an act to amend and re-enact an act approved December 19, 1891 entitled an act to amend and re-enact chapter 129, extra session, 1887, for the protection of terrapin.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That an act approved February fourth, eighteen hundred and ninety-two, entitled an act to amend and re-enact an act approved December nineteenth, eighteen hundred and ninety-one, entitled an act to amend and re-enact chapter one hundred and twenty-nine, extra session, eighteen hundred and eighty-seven, for the protection of terrapin, be amended and re-enacted so as to read as follows:

§ 1. If any person, after the first day of May and before the fifteenth day of August, of any year, shall take terrapin or take or disturb terrapin eggs in the waters of the counties of Accomac, Northampton, Northumberland, Westmoreland, Nansemond, Lancaster, Richmond, Essex and Isle of Wight, or shall have terrapin in his possession, or shall buy or offer them for sale in said counties he shall forfeit two hundred dollars and be confined in the county jail not exceeding thirty days; and if any person shall at any time take terrapin with a seine, net or weir in the counties aforesaid, he shall forfeit his boats, seines and nets, and pay a fine of two hundred dollars and be confined in the county jail not less than thirty days; but this act shall not be construed as preventing any person who has taken or purchased terrapin at any time other than between the first day of May and the fifteenth day of August, in any year, from keeping the same in terrapin pounds or ponds during said period.

2. This act shall be in force from its passage.

CHAP. 640.—An ACT to vest the title of a certain lot of land, containing one acre, more or less, in King George county, in trustees for the use and benefit of Fletcher's chapel, Methodist Episcopal church, south.

Approved March 3, 1896.

Whereas James G. Taliaferro and E. A. S. Taliaferro, his wife, granted and conveyed by deed, dated February twenty-second, eighteen hundred and fifty-one, to Stephen P. Bowen, Lewis Cross, Mortimer Bainbridge, and William Jenkins, trustees for the Methodist, Baptist, Presbyterian, and Episcopal churches, a lot of land, containing one acre, more or less, in the upper part of King George county; and

Whereas a house of worship was erected upon said lot by the Fletcher's chapel, Methodist Episcopal church, south, and used exclusively by it until the said house was destroyed by fire during the war between the states; and

Whereas the said Methodist church erected another house of worship by the said lot and has used and occupied said lot as a church-yard and for other purposes, and it appearing that the said Methodist church has had exclusive, continuous, and adverse possession, use, and control of said lot for about forty years—no other denomination ever claiming the same, or any part thereof, and that it is of little or no value to any denomination except the said Methodist church; therefore,

1. Be it enacted by the general assembly of Virginia, That the title to the said lot of land, situated in King George county, now adjoining the land on which stands the present house of worship of the aforesaid church and the land of the late Robert Gravatt and the main road leading from Fredericksburg to Hamstead, be, and the same is hereby, vested in William L. Pratt, Ferdinand S. Pratt, William S. Brown, George W. Grigsby, John T. Minor, James L. Henderson, and William J. McCarty, trustees, and their successors in office, for the use and benefit of Fletcher's chapel, Methodist Episcopal church, south, King George circuit, Virginia, annual conference, Rappahannock district.

2. This act shall be in force from its passage.

CHAP. 641.—An ACT to authorize the board of supervisors of Amherst county to borrow \$1,000.

Approved March 8, 1896.

1. Be it enacted by the general assembly of Virginia, That it may be lawful for the board of supervisors of Amherst county to borrow a sum of money, not to exceed one thousand dollars, and to issue the bonds of the county, redeemable in not longer than ten years, but may be redeemable at the pleasure of said county, said bonds to bear interest at the rate of not more than six per centum per annum, for which coupons may issue, payable semi-annually, for the purpose of repairing its jail.

2. The bonds authorized to be issued under this act shall be signed by the chairman of the said board of supervisors, and under the seal of the county.

3. But nothing in this act shall be construed to compel said board to issue any bonds under this act until a majority of said board has determined to do so at a meeting thereof.

4. This act shall be in force from its passage.

CHAP. 642.—An ACT to authorize and empower the auditor of public accounts to collect taxes heretofore assessed upon bank stock held by resident and non-resident stockholders.

Approved March 8, 1896.

1. Be it enacted by the general assembly of Virginia, That the holders of bank stock or the stock of any banking association doing business in this state, resident and non-resident, shall be assessed with the tax imposed thereon by law in the city, town or district wherein the bank or banking association is located, and said tax shall be the first lien upon said stock, no matter in whose hands found, and have priority over any and all liens by deed of trust, mortgage, bill of sale, or other assignment made by the owner, and take priority over all liens by execution, garnishment, or attachment process.

2. It shall be the duty of the auditor of public accounts, as soon as practicable after the passage of this act, to furnish the cashier of the banks or banking associations doing business in this state with a list of its stockholders heretofore assessed with taxes upon their bank stock who have not paid said tax, which list shall give the name of the stockholder, amount of tax, when assessed, and the sum total due to the commonwealth by each stockholder. The bank or banking association thus notified, should said bank or banking association so desire and elect, may pay to the auditor the tax assessed upon the stock held by its stockholders; provided payment shall be made on or before the first day of July, eighteen hundred and ninety-six.

3. But should the privilege conferred by the preceding section be declined or not availed of by the bank or banking association aforesaid, then it shall be the duty of the auditor without delay to notify the attorney-general and give him a copy of the lists furnished the cashier of the bank or banking association aforesaid, and the attorney-general, by motion, shall proceed to collect said taxes from the individual stockholder. This motion shall be cognizable by and made in the circuit court of Richmond city after ten days' notice to the stockholder, and may be served upon non-resident defendants in the mode provided by section thirty-two hundred and eight of the code of Virginia.

4. This act shall be in force from its passage.

CHAP. 643.—An ACT to protect all payment made to the holder of any policy in any accident company, sick benefit company, or any company of like kind, from levy or distress for any debt due by the insured.

Approved March 8, 1896.

1. Be it enacted by the general assembly of Virginia, That the payments made in weekly or monthly installments to the holder of any

policy of insurance in any accident company, sick benefit company, or any company of like kind, shall not be subject to the lien of any attachment, garnishment proceedings, writ of fieri facias, or to levy or distress in any manner for any debt due by the holder of such policy.

2. This act shall be in force from its passage.

CHAP. 644.—An ACT to prevent cruelty to children, and to regulate and provide for their control and custody in certain cases.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person employing or having the custody of any child willfully to cause or permit the life of such child to be endangered or the health of such child to be injured, or willfully to cause or permit such child to be placed in such a situation that its life or health may be endangered, or to cause or permit such child to be overworked, cruelly beaten, tortured, tormented or mutilated.

2. It shall be unlawful for any person having the care, custody or control of any child under the age of fourteen years to sell, apprentice, give away, let, or hire out, or otherwise dispose of such child to any person in or for the vocation or occupation, service, or purpose of rope or wire walking, begging or peddling, or as a gymnast, contortionist, rider, or acrobat in any place whatsoever, or for any obscene, indecent or immoral purpose, exhibition, or practice whatsoever, or for or in any business, exhibition or vocation injurious to the health or morals or dangerous to the life or limb of such child, or cause, procure, encourage or permit any such child to engage therein.

3. It shall also be unlawful for any person to take, receive, hire, employ, use, exhibit, or have in custody any child under the age aforesaid for any of the purposes prohibited in the second section of this act.

4. Any legally incorporated humane society or society for the prevention of cruelty to children is hereby empowered to become the guardian of minor children in accordance with the general provisions of law applicable to the guardianship of minors. The powers and duties of such society, as guardian of minor children, shall be exercised and performed by its officers and agents, and such society may adopt by-laws in relation thereto not inconsistent with the general provisions of law applicable to such guardianships.

5. Whenever it shall be made to appear to any court having jurisdiction to appoint a guardian that any child under the age of fourteen years, by reason of orphanage, or of the neglect, crime, drunkenness, or other vice of parents, or other persons having custody of such child, is growing up without education or salutary control, and in circumstances exposing such child to lead a

dissolute and vicious life, such court may order such child to be committed to the custody of any legally incorporated humane society or society for the prevention of cruelty to children, and such society is hereby authorized to receive such child into its custody and to provide for its care and education in some suitable family or institution of instruction; such society may discharge such child from its custody whenever in the judgment of said society the object of such commitment has been accomplished. At any time before such discharge said society may surrender such child to the custody of the court by which such commitment was ordered. In case of such surrender, or in case there is no such incorporated society willing to take the custody of such child, the said court may make such order, as to the custody of such child, as now is or may be provided by law in cases of vagrant, truant, disorderly, pauper or destitute children. But nothing contained in this act shall be construed to oblige any such society to receive the custody of any child nor to affect in any way the duty of any city or town to provide for any child having a legal settlement therein. Such court may at any time, on the petition of such parent or any other person revoke its order and restore said child to its former custody, or to the custody of any other person, when it is made to appear that the welfare of said child will be thereby promoted. All proceedings under this section shall be by petition after notice to the person having custody of such child.

6. Whenever any person or persons having the care or custody of any child within the age previously mentioned in this act shall engage, hire out, or use such child in or for any business, exhibition, vocation, or purpose prohibited in this act, or shall permit the use of such child therefor, and shall be convicted of the same, the court or magistrate before whom such conviction is had may, at his discretion, if he should think it desirable for the welfare of such child, deprive the person or persons so convicted of the custody of such child, and thereafter such child shall be deemed in the custody of the court, and thereupon such proceedings shall be had as to the commitment, custody, care, and education of such child as are provided for in section five of this act.

7. A person convicted under any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding two hundred dollars or by imprisonment in jail not exceeding twelve months, or both.

8. In this act the word "person" shall be construed to include corporations, partnerships, companies, and associations, as well as individuals.

9. This act shall be in force from its passage.

CHAP. 645.—An ACT to authorize the United States Government to acquire title to and jurisdiction over certain lands at Cape Henry and Cape Charles, Virginia, for the purpose of fortifications and coast defence.

Approved March 8, 1896.

Whereas it has been represented to the general assembly of Virginia that there is now pending before the congress of the United States a bill the title and purpose whereof is to provide for permanent fortifications and a system of torpedo defence at Cape Henry, Virginia, and Cape Charles, Virginia, and wherein it is recited that it is manifest that the seacoast defence of the United States are totally inadequate to the safety of the country, and that the gateway to Chesapeake bay and its tributaries between Cape Henry and Cape Charles, Virginia, is entirely unprotected against the entrance of a hostile fleet which once entering said bay would have at its mercy the cities of Norfolk, Portsmouth, Richmond, Baltimore, and the national capital; and

Whereas the said bill, among other things, provides that no part of the money to be appropriated thereby shall be expended for the purchase of sites for the said fortifications until a valid title to the same shall be vested in the United States and the state of Virginia shall have released and relinquished jurisdiction over the same and exempted from taxation the said sites and such buildings as may be hereafter erected thereon so long as the same are the property of the United States; and

Whereas in case of the passage by congress of the said bill or some other bill having the same objects and purposes in view, the United States government may desire to acquire by purchase or condemnation the land at Cape Henry and Cape Charles, Virginia, necessary for the erection and establishment of the said fortifications and defences, and it appears to the general assembly of Virginia that such fortifications and defences are necessary and should be erected and established for the protection of the Chesapeake bay and its tributaries and the cities hereinbefore named; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the consent of this commonwealth be, and is hereby, given to the United States government to acquire title to the land at Cape Henry and Cape Charles, Virginia, necessary for the fortifications and defences so that the congress of the United States may exercise such authority and jurisdiction over the same as is within the contemplation of the seventeenth clause of the eighth section of the first article of the constitution of the United States; provided, however, that the said land so acquired shall not exceed at either Cape Henry or Cape Charles six hundred and forty acres in area.

2. That this commonwealth retains concurrent jurisdiction with the United States over the said land, or so much thereof as may be acquired under this act, at either Cape Henry or Cape Charles, Virginia, so far as it lawfully can consistently with this act, and its courts, magistrates, and officers may take such cognizance, execute

such process, and discharge such other legal functions within the same as may not be incompatible with the true intent and meaning of this act.

3. That the land which may be acquired under this act, and the buildings, improvements, and fortifications which may be erected thereon for the purposes aforesaid, are hereby exempted from all taxes imposed by this commonwealth or by either of the counties of Princess Anne or Northampton so long as the same shall be held and used by the United States or under its authority for the uses and purposes hereinbefore mentioned, and no longer.

4. That should the land acquired under this act, or any part thereof, be used for any other purpose or purposes than those specified herein by the United States government or under its authority, the same, or such part or parts thereof as may be used for any other purpose or purposes, shall be subject to taxation as other property in this commonwealth.

5. That if the government of the United States shall fail to acquire the land authorized to be acquired under this act for the space of five years, or having acquired the said land shall fail for the space of five consecutive years to use and occupy the same for the purposes herein designated, then the jurisdiction herein granted shall cease and determine.

6. This act shall be in force from its passage.

CHAP. 646.—An ACT to amend section 2071 of the code of Virginia, 1887, as amended by an act entitled "an act to amend and re-enact section 2071 of the code of Virginia, in relation to unlawful hunting, &c., on another's land," approved January 28, 1890, as amended and re-enacted by an act entitled "an act to amend section 2071 of the code of 1887, in relation to unlawful hunting, &c., on another's lands," approved January 31, 1890, as amended and re-enacted by an act entitled "an act to amend an act entitled an act to amend and re-enact section 2071 of the code of Virginia, in relation to unlawful hunting, &c., on another's land," approved January 28, 1890, approved March 3, 1892, so as to provide penalties and punishments for going upon the land of another after being warned not to do so.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section two thousand and seventy-one of the code of Virginia, eighteen hundred and eighty-seven, as amended by an act entitled "an act to amend and re-enact section two thousand and seventy-one of the code of Virginia, in relation to unlawful hunting, and so forth, on another's land," approved January twenty-eight, eighteen hundred and ninety, as amended by an act entitled "an act to amend section two thousand and seventy-one of the code of eighteen hundred and eighty-seven, in relation to unlawful hunting, and so forth, on another's lands," approved January thirty-first, eighteen hundred and ninety, as amended by an act entitled "an act to amend an act entitled an act to amend and re-enact section two thousand and seventy-

one of the code of Virginia, in relation to unlawful hunting, and so forth, on another's land, approved January twenty-eight, eighteen hundred and ninety," approved March third, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 2071. Unlawful hunting, trespassing, and so forth, on another's lands.—If any person, without the consent of the owner or tenant, shoot, hunt, range, fish, trap or fowl on or in the lands, waters, mill-ponds, or private ponds of another, which are inclosed, or the boundaries of which, or the streams adjacent to which, constitute a lawful fence, or on any lands, waters, mill-ponds or private ponds of another, east of the Blue Ridge, or in the waters on said lands, he shall be deemed guilty of a trespass, and, upon conviction thereof, shall be fined not less five dollars nor more than fifty dollars, and, in addition thereto, shall be liable in action for damages; and if any person, after being warned not to do so by the owner or tenant of any premises, shall go upon the lands of the said owner or tenant he shall, in addition to the liabilities imposed under this section, be deemed guilty of a misdemeanor, and, upon conviction thereof, punished by a fine not exceeding fifty dollars, or imprisonment in the county jail not exceeding sixty days, or both, in the discretion of the jury.

2. This act shall be in force from its passage.

CHAP. 647.—An ACT to incorporate the Occoquan and Mount Vernon passenger railway company.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That Tyson Janney, John S. Powel, Ed. Abner, W. S. Lynn, Redman Selecman, John Tanner, J. S. Wyckoff, their associates and their successors, be, and they are hereby, incorporated and made a body politic and corporate by the name and style of the Occoquan and Mount Vernon electric railway company, by which name it shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, contract and be contracted with, and have and exercise all the rights, powers and privileges, and be subject to all the duties and obligations of corporations of a like character under the laws of the state of Virginia.

2. The capital stock of the said corporation shall not be less than twenty-five thousand dollars nor more than two hundred thousand dollars, to be divided into shares of fifty dollars each.

3. When the minimum amount of its capital stock shall have been subscribed, and the amount required by law shall have been paid upon such subscription, the said corporation shall have power to construct, operate and maintain a railway for the carriage of passengers by cars run by cable or electrical power from such point or points or upon such street or streets of the town of Occoquan as may be per-

mitted by the council of said town, and by such route or routes in and through the counties of Prince William and Fairfax, not exceeding twelve miles from the corporation limits of the town of Occoquan, and may connect with the Alexandria and Mount Vernon railway upon such conditions as may be agreed upon by the boards of directors of the two companies; provided that the said company shall not enter upon the lands of the Mount Vernon ladies' association without the consent of such association.

4. The officers of the said corporation shall be a president, secretary, treasurer and five directors, who shall constitute a board for the management of the business and affairs thereof, and who shall be elected annually at such time as may be prescribed by the laws of said corporation.

5. The corporators herein named are constituted commissioners to receive subscriptions, and when the minimum amount of its capital stock shall have been subscribed shall call a meeting of the stockholders for the election of the officers and directors, who shall manage the business affairs of the said corporation until an election is held under the by-laws thereof.

6. The said corporation shall have power to borrow money on its bonds or other evidences of debt at a rate of interest not exceeding that allowed by law, and to secure the payment thereof by deed of trust or mortgage upon its road and property, its franchises and income, or any of them.

7. The said corporation shall have power to acquire, hold and dispose of, in addition to its roadway, so much land as may be necessary for its purposes, not exceeding one hundred acres.

8. The work of construction shall begin within two years and be completed within five years from the passage of this act.

9. This act shall be in force from its passage.

CHAP. 648.—An ACT authorizing the commissioner of direct taxes for the county of Prince George to pay over to the board of supervisors of said county any balance of direct tax fund in his hands to be used in improvement of public roads of said county, and providing for enforcing payment of same and for refunding any of said fund to persons entitled thereto.

Approved March 3, 1896.

Whereas the county of Prince George is in need of funds for the improvement of the public highways; and whereas there is now in the hands of the commissioner of direct taxes for the said county the sum of about five hundred dollars of the direct tax fund for the said county ultimately applicable to the said purpose, and not likely to be called for by any claimant; and whereas the supervisors of said county have, by a resolution, requested an enabling act on the subject; now, therefore,

1. Be it enacted by the general assembly of Virginia, That Charles

Comer, the commissioner of direct taxes for the said county of Prince George, be, and he is hereby, authorized and directed to pay over, upon the warrant or order of the board of supervisors of said county, any and all money now in his hands remaining of the direct tax fund apportioned to the said county under an act of the general assembly of Virginia approved March third, eighteen hundred and ninety-two, the said money to be expended by the said board of supervisors on the roads of the said county. The said board is hereby authorized to draw any warrants or orders on said commissioner to the amount of said balance of direct tax fund, payable to any person on account of any liability incurred by said county in the improvement of its public roads. Any person holding any of said warrants or orders so drawn on said commissioner of direct taxes shall have power to collect the same by suit or otherwise.

2. Any person hereafter claiming any of the said fund shall establish his claim thereto before the county court of the said county of Prince George, or the judge thereof in vacation, in the manner now provided for by law in the act aforesaid, entitled an act for the distribution among those entitled of the direct tax money donated by the United States government, approved March third, eighteen hundred and ninety-two, or shall establish such claims in such other manner as may be satisfactory to such court or judge; and upon establishing the said claim the said county court, or the judge thereof in vacation, shall certify to the said board of supervisors the amount to which any such person may be entitled, and thereupon the said board of supervisors shall draw their warrant upon the treasurer or said county, payable to the said claimant, for the amount to which he is so entitled out of the general county levy.

3. This act shall be in force from its passage.

CHAP. 649.—An ACT to amend and re-enact section 3251 of the code of Virginia relating to forms of actions and declarations on policy of insurance.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section three thousand two hundred and fifty-one of the code of Virginia relating to declarations on policy of insurance be amended and re-enacted so as to read as follows:

§ 3251. Declaration on policy of insurance.—In an action on a policy of insurance no particular form of action or declaration shall be necessary, but it shall be sufficient for the plaintiff to file a complaint in writing at common law, setting forth the grounds of his action and the relief prayed for, and filing therewith the original policy, or a sworn copy thereof, upon which his action is brought, and the loss or death relied upon as the ground of his recovery, and that he has performed all the conditions of said policy and violated none of its prohibitions, and in such complaint it shall not be neces-

sary to set forth every condition or proviso of said policy, nor to aver observance of or compliance therewith "seriatim," but a general averment to that effect shall suffice. Such complaint shall be filed in the same court and at the same time at which a declaration in such cases is now required by law; and such action shall be matured in the same manner as at present.

2. This act shall be in force from its passage.

CHAP. 650.—An ACT to amend and re-enact sections 1 and 6 of an act entitled an act to incorporate the Mineral belt railway and tramway company, approved January 18, 1896.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That sections one and six of an act entitled an act to incorporate the Mineral belt railway and tramway company, approved January eighteenth, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That Rowland F. Hill, Frederic Kernochan, William Mann, W. H. Adams and W. A. Little, junior, and any other person or persons that they may associate with them, their successors and assigns, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Mineral belt railway and tramway company, and as such are authorized and empowered to locate, construct and equip and operate a railway or tramway, to use steam, electricity or any other motive power, commencing at a point at or near Mineral City, on the Chesapeake and Ohio railway, in Louisa county, thence to a terminus at or within twenty miles of Aquia creek, in Stafford county, by such route as may be deemed most advisable by the directors of said company; and by that name shall be known in law.

§ 6. The said company is authorized and empowered to locate, construct, equip and operate lateral or branch railways or tramways from any point on its line of railroad to any timber, ore banks, mines or other operations in the counties of Louisa, Spotsylvania, Orange, Culpeper and Stafford, or to connect the said line with any other tramway or railroad now built or hereafter to be constructed in or to either of the said counties; and the said company may connect or unite its said road with that of any other company, or consolidate or merge its stock and franchises with those of any other company operating or authorized to operate a connecting line of tramway upon such terms as may be agreed upon between the companies so uniting or connecting, merging or consolidating; and for this purpose power is hereby given to it and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connection, merger or consolidation.

2. This act shall be in force from its passage.

CHAP. 651.—An ACT to incorporate the Young men's Christian association of Newport News, Virginia.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the following members of the Young men's Christian association of Newport News, Virginia, T. J. Barham, DeWitt Crane, J. M. Curtis, B. W. Crump, George B. West, Robert P. Orr, J. A. Willett, W. J. Nelms, H. D. Coleman, B. R. Gary, W. H. Landon, J. L. Marye, junior, J. D. G. Brown, and such other persons as hereafter may become members of the same, shall be, and are hereby, declared a body politic and corporate by the name, style and title of the "Young men's Christian association of Newport News, Virginia," to have perpetual succession, to have power to take, hold and dispose of for the use of the said association, all kinds of property, real estate, goods, chattels, sum or sums of money, by gift, grant, bargain, sale, or otherwise, from any person or persons whomsoever, capable of making the same, and the same to grant, bargain, sell, and a good conveyance to make for the use of the association aforesaid; to sue and to be sued, to contract and be contracted with, to have a common seal which may be altered at pleasure, and to do all other acts and enjoy all other privileges and powers incident to similar corporations in general, under and subject to the laws of this commonwealth; but the members of the said association shall not be individually liable for the corporate debts.

2. The amount of real estate held at any one time shall not exceed five acres in area.

3. The officers of said corporation shall be such as the same association may think necessary, and shall be elected by ballot at such time and in such manner as the rules and by-laws may direct; provided that no member shall be entitled to vote or to hold office other than a male member of some evangelical church.

4. That the members of said association, who are or who may be entitled to vote at any such election of officers, shall have full power and authority to make such rules and by-laws as shall be necessary for the government and promotion of the interests of said association: provided that no rule or by-law shall be valid if inconsistent with this act or the constitution or laws of this state or of the United States.

5. That the said association may make such alterations or amendments to its rules and by-laws as it may deem necessary: provided that none of said alterations are contrary to the provisions herein contained.

6. That the following citizens of Newport News shall constitute the officers, whose tenure of office shall begin from the passage of this act, and so continue until the first day of October, eighteen hundred and ninety-six, and until their successors are elected and qualified: President, T. J. Barham; vice-president, DeWitt Crane; recording secretary, B. W. Crump; treasurer, James M. Curtis.

7. The property owned by this association and used for association purposes shall be exempt from taxation.

8. This act shall be in force from its passage.

CHAP. 652.—An ACT to relieve Robert H. Armistead, a disabled Confederate soldier, of Cumberland county, Virginia.

Approved March 3, 1896.

Whereas Robert H. Armistead, a Confederate soldier, of Cumberland county, Virginia, has become disabled by service in the Confederate army and disease, that together have rendered him incapable of supporting himself by labor; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized and required to place the name of the said Robert H. Armistead upon the pension roll of Confederate Virginia soldiers, he to receive an annual pension of thirty dollars per year from the public treasury: provided that the facts herein alleged shall be proven before the county court of Cumberland county.

2. This act shall be in force from its passage.

CHAP. 653.—An ACT to incorporate the Waynesboro and Basic City railway company and to authorize and empower the said company to acquire and operate the street railway and franchises constructed and operated by J. W. Marshall and his associates under grants from the municipal authorities of the town of Waynesboro and Basic City, in the county of Augusta.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That A. D. Payne, R. P. Valentine, Charles L. Carver, C. G. Sinclair, W. G. Moran, H. L. Munday, J. W. Marshall and Q. L. Williams, or any five or more of them, and their associates and successors, be, and are hereby, constituted a body corporate by the name and style of the Waynesboro and Basic City railway company.

2. The said company shall have power and authority to construct and equip, maintain and operate, by horse or other power, except steam power, a street railway in, over and along any of the streets or roads of the town of Waynesboro or of Basic City, in the county of Augusta, Virginia, after first obtaining permission of the municipal authorities of the said town respectively; and the said company shall have power and authority to acquire and operate the line of street railway now being operated in the said towns under the privileges and franchises heretofore granted by the municipal authorities

of each of said towns to J. W. Marshall and his associates, and may likewise acquire from the said Marshall and his associates or assigns, and may exercise and enjoy all the rights, privileges and franchises granted him and his associates with respect to the aforesaid railway. And the said company shall have, enjoy and exercise all the rights, powers, privileges and franchises pertaining to corporate bodies of this general character and necessary to the due development of the purposes of this charter and to the maintenance of the corporation hereby created.

3. It shall be lawful for the said company to transport passengers, freight not to exceed fifty pounds in any single package, baggage and the United States mail over the line of their railway, and to collect fares and tolls for the same; provided that in no case shall the fare be more than five cents for one continuous trip.

4. The capital stock of the said company shall be not be less than four thousand dollars, and not more than twenty-five thousand dollars, to be divided into shares of fifty dollars each.

5. The said company shall have authority and power to borrow money for the use of the corporation, and to secure such loans by deed of trust or mortgage on all or a part of its property, franchises and income.

6. The said company shall pay all of its taxes in lawful money of the United States, and not in coupons.

7. This act shall be in force from its passage.

CHAP. 654.—An ACT providing for working public roads in Prince Edward county.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That from and after July first, eighteen hundred and ninety-six, all of the public roads of Prince Edward county shall be under the general direction, care and control of the board of supervisors of said county; and it shall be the duty of such board of supervisors to see that the county road funds are economically, usefully and intelligently expended; to establish rules for making, altering, repairs and maintenance of roads as provided by law; to provide for the erection and maintenance of suitable and necessary bridges, and to exercise a general supervision over all the roads in said county. The board of supervisors of said county shall annually levy, along with the county levy, a tax upon property, real and personal, assessed for taxation in the county, which shall be applied to working and keeping in order the roads and public bridges as provided by law; such tax shall not be less than five nor more than twenty cents upon the one hundred dollars in value of such property, and the same shall be collected and accounted for and paid out on warrants of the board as any other county funds; provided that said board of supervisors shall not be

prevented from applying to the road fund any money not needed to defray the ordinary expenses of the county. The board of supervisors is hereby authorized and empowered to employ vagrants and convicted criminals confined in the public or county jail upon the public roads of the county and to establish proper rules and regulations for the management and guarding the same. The members of the board of supervisors shall each receive for his services in inspecting and overlooking roads in his respective district two dollars per day for time actually employed; provided the total compensation does not exceed thirty dollars for any one year.

2. All acts inconsistent with above are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 655.—An ACT to allow J. J. Dorden, ex-treasurer of Southampton county, and all his deputies, further time for collecting taxes in Southampton.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That J. J. Dorden, ex-treasurer of Southampton county, and all his deputies, be allowed one year from the passage of this act in which to distrain, levy for, and collect uncollected taxes and levies in his or his collectors' hands for the years eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, eighteen hundred and ninety-four, and eighteen hundred and ninety-five, not returned delinquent nor insolvent, and for which he has accounted to the state and county.

2. This act shall be in force from its passage.

CHAP. 656.—An ACT providing for the working, opening, and keeping in repair the roads in the counties of Brunswick, Nottoway, and Amelia, and for the building and keeping in repair the bridges in said counties.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the board of supervisors of the counties of Brunswick, Nottoway, and Amelia, at their annual meeting in July of each year, to levy a tax not exceeding twenty cents on the one hundred dollars' value on the property in said county, real and personal, which tax shall be known as the road tax; and said tax in each magisterial district of said counties shall be kept separate, and the amount received from each district shall be expended in said district in the manner hereinafter provided.

2. The board of supervisors of said counties shall, as soon as practi-

cable after the passage of this act, nominate a suitable person to the county court of said counties as superintendent of the roads and bridges of said counties. And it shall be the duty of the said court, upon receipt of such nomination, if it approves the same, at the next term thereof to appoint such person as such superintendent; and in like manner thereafter, upon the recommendation of the board of supervisors, the court concurring, the county court shall annually, at its July term, make said appointment; but the superintendent first appointed under this act shall hold office until the first day of August, eighteen hundred and ninety-seven, and those annually appointed thereafter shall hold office for twelve months from the first day of August succeeding the appointment. And in case the court should not concur in the nomination made by the board at any term, then another nomination or nominations shall be made by the board, as herein provided, until a nomination is made which is concurred in by the court.

3. The superintendent so appointed shall qualify at the term of court at which he is appointed by taking an oath faithfully to discharge the duties of his office, and by giving bond for that purpose in the penalty of at least two thousand dollars, said bond to be payable to the counties of Brunswick, Nottoway, and Amelia, with surety to be approved by the court. The said bond shall contain a waiver of the homestead exemption, and shall be recorded as other official bonds are now required to be recorded. The said superintendent may be removed at any time by the board of supervisors for cause, but the said superintendent, in case of his removal by said board, shall have an appeal from the decision of said board as of right to the county court of said counties, whose decision in the matter shall be final. In case of the death or removal of said superintendent, the vacancy for the unexpired term shall be filled in the same manner that the original appointment is made.

4. It shall be the duty of the superintendent to take charge of the maintenance, repair and construction of the public roads and bridges of said counties, shall keep and maintain the same in as safe condition for public travel as means furnished him by the board of supervisors will permit. He shall have all the rights to take from convenient lands such material as he may deem necessary for use on said roads or bridges, and to make such use of said lands for draining purposes as are conferred by existing laws upon road surveyors.

5. Said superintendent shall have charge of and provide for all mules, horses, oxen, implements, tools or machines which may be placed in his charge by the board of supervisors. And he may be authorized by said board to hire teams for carrying on the work at any time at such rates per day as said board may from time to time determine. He shall be authorized by the board, and it shall be his duty, to employ all necessary labor by the day, week, or month, as the board may direct, at a compensation to be fixed by said board from time to time. And to meet such expenses the board may place in the hands of the said superintendent sums of money not to exceed four hundred dollars for any one month; but no greater sum

shall be expended in any magisterial district than the sum levied and collected in said district as aforesaid.

6. The superintendent shall act for the counties in all cases where the existing law requires commissioners to be named by the county court to report upon and award contracts, to repair or build bridges or open and repair roads and to receive the same, and to see that the work is done in such cases after such contracts are awarded in accordance with such contracts, and his acts in such premises shall have the same force and effect as the act of commissioners if they were appointed under existing laws.

7. Said superintendent shall make a report every two months to the board of supervisors of his transactions as such, furnishing itemized statements of the amounts received by him and how he has expended the same, under oath and sustained by proper vouchers.

8. Whenever the superintendent deems it necessary to call to his assistance a civil engineer or surveyor in order to construct a road or bridge, he may do so with the consent of the board of supervisors and at a compensation to be fixed by them. He shall at all times be under the direction of the said board, who are hereby authorized to prescribe any system and regulations for conducting the work as to them may seem best.

9. The said board shall purchase for the superintendent such horses, mules, teams, wagons, carts, scrapers, machines and implements as they may think necessary for carrying on the operations aforesaid, and shall take his receipt for the same when delivered to him.

10. The said board shall determine what compensation shall be allowed the said superintendent and fix the time for the payment of the same, may make the same uniform during the year or otherwise, and may compensate him by the day or by the month while he is actually engaged in the work if they deem advisable. But such compensation shall in no event exceed the sum of five hundred dollars, except in Nottoway county it shall not exceed eight hundred dollars per year, which shall be paid out of the general county levy and not from the road tax levied under this act.

11. The said board shall, as soon as practicable after the passage of this act, at a meeting to be held for the purpose, ascertain and determine what roads in each magisterial district shall be worked under the provisions of this act, and shall also determine at said meeting what bridges in said counties shall be paid for out of the tax levied for roads and bridges in each district and what bridges shall be paid for out of the general county levy; and a copy of the list of said roads in each district to be worked by said superintendent shall be furnished him by the clerk of the said board, as well as a list of the bridges in each district that are to be kept in repair or rebuilt out of the road tax and of the bridges to be repaired or rebuilt out of the general levy. And the said board of supervisors shall have entire control of the letting to contract the building or rebuilding and keeping in repair the bridges in the district that are to be paid for out of said road tax, but the county court shall let the building, rebuilding, or repairing of the bridges to be paid for out

of the general county levy in the manner now provided by law, except that the superintendent shall act as commissioner as heretofore provided in this act; and whenever the said superintendent shall report to the judge of the county court in vacation that any of the bridges that are to be kept in repair or built or rebuilt out of the general county levy need repairing or rebuilding, it shall be the duty of the said judge to enter a vacation order directing said superintendent to receive proposals for the work; and it shall be the duty of the county judge, and he is hereby authorized, to confirm the reports of the superintendent letting the work to contract in vacation if, in the judgment of the said judge, it is necessary or proper that it be done, and shall direct the work to proceed or refer the matter to the board of supervisors as the law now provides in such cases; and it shall be the duty of the said superintendent to keep a general supervision over the bridges in said county and report to the board of supervisors when any of the bridges which are to be paid for out of the road tax as aforesaid need rebuilding or repairing, and to the county court or the judge thereof in vacation when any of the bridges to be paid for out of the general county levy need repairing or rebuilding.

12. The said board of supervisors, with the consent of the county court, or judge thereof in vacation, shall have power, and they are hereby authorized, to employ upon the county roads, or any portion thereof, all vagrants and convicted criminals confined in the county jail and all persons confined in said jail in default of the payment of fines imposed upon them, said parties to be worked under the supervision of said superintendent under such rules and regulations as the said board may prescribe. But in such case the board, maintenance, and cost of guarding such persons, where necessary, shall be paid for out of the road tax for the district in which they are worked for the time being, and shall not be a charge upon the state, as now provided by law, in case they remain in jail and are not worked upon the roads as aforesaid.

13. The road tax levied for the year eighteen hundred and ninety-six shall be used and expended by said board of supervisors in accordance with the provisions of this act.

14. The existing laws regarding the foregoing subjects shall be, and they are hereby, repealed in so far as they are applicable to the counties of Brunswick, Prince Edward, Nottoway, and Amelia.

15. This act shall be in force from its passage.

CHAP. 657.—An ACT to enable the rector and board of visitors of Virginia agricultural and mechanical college to procure a supply of water, and to construct and maintain a system of water works, and to appropriate money therefor, as a sinking fund.

Approved March 8, 1896.

Whereas the Virginia agricultural and mechanical college and the agricultural experiment station, a department thereof, are greatly hindered and hampered in their work and growth by a totally insufficient supply of water, which also leaves them without any protection whatever in the event of an outbreak of fire; now, therefore, for the purpose of providing a sufficient supply of water and of maintaining a system of water works for the uses of the said college and station, and as a safeguard against fire—

1. Be it enacted by the general assembly of Virginia, That the rector and visitors of the Virginia agricultural and mechanical college be, and they are hereby, authorized at any meeting at which a majority of said visitors shall be present, to borrow money and to issue bonds therefor to an amount not exceeding fifteen thousand dollars, either registered or with coupons for interest, or in part of one class and in part of the other, and convertible from the one class to the other at the pleasure of the holder, in sums of one hundred dollars or any multiple thereof, bearing date on some day in the year eighteen hundred and ninety-six, payable forty years after date, with interest from date at a rate not exceeding six per centum per annum, but containing on their face the reservation of right to said rector and visitors to pay the whole, or any part of said bonds, at any time after ten years from their date.

2. The bonds authorized hereby to be issued shall be exempt from any taxation in any manner by the state of Virginia, or by any county, city, town or other corporation exercising powers of taxation under the authority of this commonwealth.

3. For the purpose of securing payment of said bonds the said rector and visitors are hereby authorized to convey by deed of trust all the property belonging to or held to the said Virginia agricultural and mechanical college, subject to any previous pledge thereof which has heretofore been made.

4. The sum of seven hundred and fifty dollars per annum shall be paid to the rector and visitors of the Virginia agricultural and mechanical college in equal semi-annual installments out of such money in the treasury as is not otherwise appropriated at such times as they may fix. The said sum of seven hundred and fifty dollars per annum shall be used by the said rector and visitors for the sole purpose, and no other, of paying the interest as it shall accrue on the bonds authorized by this act to be issued, and of providing a sinking fund for the payment of the principal thereof.

5. This act shall be in force from its passage.

CHAP. 658.—An ACT to compensate justices of the city of Norfolk for acknowledgment of bail in certain cases.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful for justices of the peace of the city of Norfolk to charge and receive for every acknowledgment of bail, when the warrants upon which the persons applying for bail were issued by another justice than the one by whom the parties are bailed, the sum of fifty cents in addition to the fee of fifty cents for examining cases, said fees to be paid by the person or persons bailed, or some one for them.

2. This act shall be in force from its passage.

CHAP. 659.—An ACT to provide for the appointment of an assistant commissioner of accounts of the corporation court of the city of Norfolk, and define his duties and powers.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the judge of the corporation court of the city of Norfolk shall appoint, in addition to the commissioner of accounts, an assistant commissioner of accounts, who shall perform all the duties and exercise all the powers required of the commissioner of accounts; provided, however, that such assistant commissioner of accounts making a settlement of a fiduciary account under the provisions of this act shall notify the commissioner of accounts that such account is before him for settlement, and shall within thirty days report the facts and date of such settlement to the commissioner of accounts, who shall make an entry of the same in his record book; and provided, further, that all inventories shall be filed with the commissioner of accounts only.

2. This act shall be in force from its passage.

CHAP. 660.—An ACT to amend and re-enact an act entitled an act to regulate the salary of the police justice of the city of Norfolk, approved February 18, 1896.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to regulate the salary of the police justice of the city of Norfolk, approved February eighteenth, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

That the police justice of the city of Norfolk shall be paid a salary of twenty-five hundred dollars per annum, payable in monthly installments out of the treasury of the state upon the warrant of the auditor of public accounts out of the moneys collected and paid over by said police justice as hereinafter required; but the salary herein provided for is not to be a charge on the state treasury, except so far as it relates to the revenue covered into said treasury by said police justice, and shall be in lieu of all other compensation to the said police justice for his services, whether rendered under state laws or the ordinances of the city of Norfolk.

2. Before entering upon the duties of his office the said police justice shall execute a bond, payable to the commonwealth of Virginia, in a penalty of ten thousand dollars, to be approved by the judge of the corporation court of the city of Norfolk. He shall perform all the duties now required of him by law, and in addition shall keep in permanent form a faithful record of the cases tried by him, and shall transmit monthly, directly to the auditor of public accounts, duly certified copies of the record of such cases, together with the amount of the fines and costs collected, which amount shall be paid by the auditor into the state treasury.

3. All acts or parts of acts requiring said police justice to make returns to the clerk of the corporation court of the city of Norfolk, or allowing said clerk any compensation for transmitting to the auditor of public accounts the record of the police court of the city of Norfolk and the fines collected therein, and all acts and parts of acts in conflict with this act, and all provisions of the charter or ordinances of the city of Norfolk in conflict with the provisions of this act, are hereby repealed and declared null and void.

4. This act shall be in force from its passage.

CHAP. 661.—AN ACT to amend and re-enact an act entitled an act to require the payment of fees on certain charters, approved February 10, 1890, as amended by an act approved February 28, 1890, and further amended and re-enacted by an act approved January 22, 1894.

Approved March 8, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to require the payment of fees on certain charters, approved February tenth, eighteen hundred and ninety, as amended and re-enacted by an act entitled an act to amend and re-enact section one of said act, approved February twenty-sixth, eighteen hundred and ninety, and further amended and re-enacted by an act entitled an act to amend section two of said act, approved January twenty-second, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 1. That every charter of incorporation hereafter passed by the general assembly of Virginia shall be, and continue to be, wholly

inoperative and ineffectual for any and all purposes whatever until the payment of the fee, to be ascertained and fixed as follows: For a company whose maximum stock is five thousand dollars or under, five dollars; for a company whose capital stock is over five thousand dollars and not to exceed ten thousand dollars, ten dollars; over ten thousand dollars and not to exceed twenty-five thousand dollars, fifteen dollars; over twenty-five thousand dollars and not to exceed fifty thousand dollars, twenty-five dollars; over fifty thousand dollars and not to exceed one hundred thousand dollars, forty dollars; over one hundred thousand dollars and not to exceed three hundred thousand dollars, sixty-five dollars; over three hundred thousand dollars and not to exceed five hundred thousand dollars, ninety dollars; over five hundred thousand dollars and not to exceed eight hundred thousand dollars, one hundred and fifteen dollars; over eight hundred thousand dollars and not to exceed one million dollars, one hundred and fifty dollars; over one million dollars, two hundred dollars. For the purpose of this act, the amount to which the company is authorized by the terms of its charter to increase its capital stock shall be considered its maximum capital stock, but the fee to be paid under this section shall in no case exceed the sum of two hundred dollars; provided, however, that building fund associations shall pay twenty-five dollars only for each certificate of incorporation filed or charter granted; and provided, further, that no fee shall be required of the companies organized for religious, benevolent, or literary purpose, or such companies as are not organized for profit and have no capital stock. Mutual insurance companies and other mutual companies, not organized for strictly benevolent or charitable purposes, shall pay a fee of twenty-five dollars.

§ 2. Where a charter of incorporation is to be granted under the provisions of section eleven hundred and forty-five of the code of Virginia, the clerk of the court in which, or the judge thereof in vacation, such charter is to be granted, shall collect such fees and receipt for the same to the party or parties presenting such petition for incorporation; and it shall be the duty of such court, or the judge thereof in vacation, to consider no such petition for incorporation unless the clerk's receipt for the proper fee as hereinbefore provided is presented therewith; and it shall be the duty of the clerk upon the granting of such charter of incorporation, to record the same and to forthwith pay into the state treasury such fee, less the amount of five per centum, which said clerk may retain as compensation for collecting same; provided, however, in case the court or judge thereof in vacation denies such petition for incorporation, that the clerk is to refund to the party or parties presenting such petition the fee paid by them; and provided, further, in case the court or judge thereof in vacation increases or diminishes the amount of the capital stock of such company, that the clerk is to collect such additional fee before recording such charter and do with the same as above directed, or to refund such over-payment as may previously have been made; and the fact of such payment, in case the charter is granted under the provisions of section eleven hundred and forty-five of the code of Virginia, shall be certified by the auditor of public accounts to the secretary of

the commonweath; and where the act of incorporation is to be passed by the general assembly, such fee shall be paid direct into the state treasury, and said fee shall be thus paid before the bill providing for the incorporation shall be referred to the committee of either house of the general assembly by the clerk of said house, or before any other action shall be taken on said bill, and such payment shall be evidenced by the receipt of the state treasurer produced to said clerk; and it is further provided that no fee shall be required to be paid on any amended charter that has been passed during the present session of the general assembly, or may hereafter be passed, or on any charter confirming or amending a charter granted by a court or judge thereof in vacation, unless the maximum amount of the capital stock shall be increased, in which case the same proportionate charge for such increase shall be made as hereinbefore provided; but if no fee shall have been paid on the granting of the original charter, the fee to be charged when such amended charter is granted shall be the same as if the amended charter was an original charter, and if any amendment is made to a bill increasing the capital stock of such company, a tax shall be paid on the amount of the increase as hereinbefore provided; and if the general assembly should fail to pass any bill of incorporation which may be introduced, or any amendment increasing the capital stock of any act of incorporation heretofore granted, the tax or fees paid as aforesaid shall be returned to the parties who have paid such tax or fees upon the certificate of the clerk of the house, if any bill of the character referred to shall fail to pass in the house, and upon the certificate of the clerk of the senate, if any such shall fail to pass in the senate.

§ 3. In case of charters granted under the provisions of section eleven hundred and forty-five of the code of Virginia, or by the general assembly of Virginia, and in the case of any company organized under the laws and jurisdiction beyond this state, and proposing hereafter to transact business in this state, the secretary of the commonwealth shall not record the articles of incorporation, nor shall the companies have the right to transact business or conduct operations of any character in this state, until the fact of the payment of proper fees in each case, as hereinbefore provided, has been certified to him by the auditor of public accounts.

CHAP. 662.—An ACT to amend and re-enact section one of an act entitled an act to prescribe the mode of applying for and obtaining a license (other than a license for which the certificate of a court is required by law before it is granted) the tax on which, but for this act would be fifty dollars or more were it issued for the period of one year, approved February twenty-two, eighteen hundred and ninety.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section one of an act entitled an act to prescribe the mode of applying

for and obtaining a license (for which the certificate of a court is required by law before it is granted) the tax on which but for this act would be fifty dollars or more were it issued for the period of one year, approved February twenty-second, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 1. That a license (other than a license for which the certificate of a court is required by law before it can be granted) the tax on which, but for this act would be fifty dollars or more were it issued for the period of one year, shall be issued for the period of three months or less, and shall expire on the thirty-first day of July, the thirty-first day of October, or thirty-first day of January, or the thirtieth day of April, whichever shall happen first after it is issued, and the tax for such license shall be one-fourth of the sum that, but for this act, would be the tax were such license issued for one year: provided that where the license is for less than three months the amount of the tax thereon shall be abated proportionately with the amount chargeable for three months, unless the license is of such character that no abatement thereon is allowable. For issuing a license under the provisions of this section the commissioner of the revenue shall be entitled to a fee of fifty cents.

2. This act shall be in force from its passage.

CHAP. 663.—An ACT to exempt from taxation the property of Green Hill cemetery company, near Berryville, Virginia.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the property now owned by the Green Hill cemetery company, near Berryville, Virginia, be, and the same is hereby, exempted from taxation; provided that the sale of lots shall not be made for profit or other purposes other than the improvement and benefit of the said cemetery.

2. This act shall be in force from its passage.

CHAP. 664.—An ACT to amend and re-enact an act entitled "an act to incorporate the Citizens' bank in the city of Norfolk," approved April 20th, 1867, as amended by an act entitled "an act to amend and re-enact section 2 of the charter of the Citizens' bank of Norfolk, Virginia," approved January 16th, 1890, and to give said bank the powers of a trust, guarantee and safe-deposit company.

In force March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the act entitled an act to incorporate the Citizens' bank of the city of Norfolk, approved April twentieth, eighteen hundred and sixty-

seven, as amended by an act entitled an act to amend and re-enact section two of the charter of the Citizens' bank of Norfolk, Virginia, approved January sixteenth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That C. W. Grandy, R. H. Chamberlaine, R. C. Taylor, W. J. Baker, Richard Walke, junior, and George K. Goodridge, together with such other persons as they may hereafter associate with them, shall be, and they are hereby, constituted a body politic and corporate by the name and style of the Citizens' bank of Norfolk, Virginia, and by this name and style are hereby invested with all the rights and privileges conferred on the banks of deposit and discount of this state by chapter forty-eight, code of Virginia of eighteen hundred and eighty-seven, and other chapters applicable to this bank and to such corporations.

§ 2. The capital stock of said corporation shall not be less than twenty-five thousand dollars, in shares of one hundred dollars each, which may be increased from time to time to a sum not exceeding six hundred thousand dollars.

§ 3. The three persons first named in the act of incorporation shall constitute the first board of directors thereof; they shall continue in office until their successors are elected and qualified. No stockholder shall be eligible as director who shall not at the time be absolute owner in his own right of at least five shares of the capital stock. The annual meeting of the stockholders shall be provided for in the by-laws. The board of directors shall consist of seven members, unless otherwise provided for by the by-laws. The board shall regulate the admission of members.

§ 4. In addition to the general powers of banking corporations, the said corporation shall have power as follows: First, to carry on the business of banking in all its branches, and to exercise all such incidental powers as may be necessary thereto, whether by buying, selling, making, drawing, discounting, or negotiating promissory notes, drafts, bills of exchange, bonds, and other evidences of debt, by receiving deposits, by buying and selling exchange, coin and bullion, by loaning money, taking security, real or personal, therefor, or otherwise.

§ 5. To receive and keep on deposit all such valuables, gold, silver or paper money, bullion, precious metals, jewels, plate, certificates of stock or evidences of indebtedness, deeds or muniments of title or other valuable papers of any kind, or any other article or thing whatsoever that may be left or deposited with them for safe-keeping, and to charge such commissions or other compensation therefor as may be agreed upon or may be proper, and generally to transact and perform any and all business relating to such deposit and safe-keeping or preservation of all such articles or valuables as may be deposited with them as aforesaid; and for the above purposes to have made in the vaults of the said bank spaces, drawers, or boxes, to be under lock and key, for rental to persons or corporations paying for them, and to whom the key of the spaces, drawers, or boxes shall be given until their contract or rental shall have expired. And for the pur-

poses of this and all other sections of this act the said bank may build upon the property recently purchased by it for the purposes of this corporation a building of such dimensions and such height as they may deem advisable, and to deal with and to use or lease such portions of said building as may not be necessary for the purposes of the present or future business of this corporation; the said building to be all under one roof and to be occupied by this corporation in lieu of the present leased premises, and the above provisions of this act are to be applicable to any other building that may be built or leased hereafter at any other situation than the one purchased as aforesaid for the uses of this corporation.

§ 6. To accept the appointment and discharge the duties of executor, administrator, curator, guardian, committee, receiver, trustee, or assignee; to take and accept by grant, assignment, transfer, devise, or bequest, and hold any real or personal estate on any and all such trusts as are allowed by the laws of this state in the case of a natural person, and to execute all such trusts in regard to the same on such terms as may be declared, established, or agreed upon in regard thereto; to act as agent for the purpose of issuing, registering, or countersigning the certificates of stock, bonds, or other evidences of debt of any corporation, association, municipality, state, or public authority, on such terms as may be agreed upon; to accept and execute trusts for married women in respect to their separate estate, whether real or personal, and to act as agent for them in respect to their management thereof, and generally to accept and execute trusts of any kind or description that may be committed to them with their assent by any person or persons whomsoever, or by any co-partnership, body corporate or public, or by any court, whether of this or any other state, or by any court of the United States.

§ 7. To guarantee the titles to property, real or personal, the punctual performance of contracts, the payment and collection of promissory notes, bills of exchange, bonds and other evidences of debt, deeds of trust, mortgages, accounts, claims, rents, and annuities.

§ 8. In all cases when applications shall be made to any court of this state for the appointment of any receiver, trustee, executor, curator, administrator, assignee, special commissioner, guardian of any minor, or committee of any lunatic or insane person, it shall be lawful for such court, if it shall think fit, to appoint the Citizens bank of Norfolk, Virginia, with its assent, such receiver, trustee, executor, curator, administrator, assignee, special commissioner, guardian, or committee, and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it were a natural person, and upon such settlement or adjustment all proper, legal, and customary charges, costs, and expenses shall be allowed to such corporation for its services and management in the premises, and the said corporation as such receiver, trustee, executor, curator, administrator, assignee, special commissioner, guardian, or committee shall be subject to all orders or decrees made by the proper tribunal under the laws of this state: provided that any oath required by law to be taken for qualification to any of the offices or trusts above mentioned may be taken by any officer of said company, and the

oath prescribed by law may be so modified as to apply to corporations instead of individuals.

§ 9. When any court shall appoint the said corporation as receiver, trustee, curator, administrator, assignee, special commissioner, guardian, or committee, or shall allow its qualification as executor, or shall order the deposit of money or other valuables of any kind with said company, the capital stock shall be taken and considered as the security required by law for the faithful performance of its duties, provided the said court shall not deem it necessary to require further security. The corporation court and the court of law and chancery of the city of Norfolk, or any other court in this state wherein said corporation shall offer to qualify as any kind of fiduciary, if it deem it necessary at the time of qualification or afterwards, may examine the officials or employees of this corporation, or such of them as it sees fit, on oath or affirmation, as to the security accorded to those by or for whom this corporation shall have become responsible as aforesaid, and the expense of such investigation shall be defrayed by said corporation.

§ 10. Any receiver, trustee, executor, curator, administrator, assignee, special commissioner, guardian, committee, or other person or corporation having control of any bonds, stocks, securities, moneys, or other valuables belonging to others shall be, and he is hereby, authorized to deposit the same for safe-keeping or on deposit in the ordinary and usual way with said corporation.

§ 11. All the taxes due the state of Virginia by this corporation shall be paid in lawful money of the United States, and not in coupons: provided that nothing contained in this act shall be construed as exempting the company doing business hereunder from the operation of the tax laws of the state for such cases made and provided, and the stockholders hereof shall not be personally liable for any debt or default of this corporation beyond their respective unpaid subscriptions to the stock.

§ 12. The board of directors of said corporation shall have power to adopt such rules, regulations, and by-laws for the management and government of this corporation as it may deem advisable and not contrary to law or this charter.

2. This act shall be in force from its passage.

CHAP. 665.—An ACT to allow J. Winton Repass and his deputies further time to collect tax-tickets now in their hands.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That J. Winton Repass, late treasurer of Wythe county, and his deputies, shall be allowed until the first day of July, eighteen hundred and ninety-seven, to make final settlement of his accounts with the board of supervisors of Wythe county, and to make returns of insolvents and

delinquent lists of taxes for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine, eighteen hundred and ninety, remaining in his hands uncollected, and when said list have been certified by the board of supervisors and by the county court of Wythe, as prescribed by law, the said treasurer shall be allowed the proper credits in his settlement with the supervisors and school and road boards of his county.

The said J. Winton Repass, late treasurer, is hereby authorized to collect by himself or by his deputies, in the manner prescribed by law, all such tickets for state taxes and county levies as yet remain in his hands or the hands of his deputies for the years eighteen hundred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine, eighteen hundred and ninety, eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three, and eighteen hundred and ninety-four, which have not been returned insolvent or delinquent; provided the same shall be collected by the first day of July, eighteen hundred and ninety-seven.

2. This act shall be in force from its passage.

CHAP. 666.—An ACT to authorize land owners to erect and maintain gates across private roads.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That any person owning land over which another or others have a private road or right of way may erect and maintain gates across such roads or right of way at all points at which fences extend to such roads on each side thereof. And if any person without permission of the owner of such gate, or of the land on which the same is located, leave such gate open, he shall forfeit not less than one nor more than five dollars, to be recovered before a justice of the peace; provided that this act shall not apply in any case in which by contract it is provided that no gates shall be erected.

2. This act shall be in force from its passage.

CHAP. 667.—An ACT to regulate the killing and capture of deer and other game in Botetourt county.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall not be lawful to kill or capture any deer or to chase the same with

dogs in the county of Botetourt, at any time, except between the first day of October and the first day of December of each year.

2. Any person violating the provisions of the preceding section shall be deemed guilty of a misdemeanor, and shall for each offence be fined not less than twenty-five dollars, and shall be imprisoned in the county jail until the fine and costs are paid, but such imprisonment shall not exceed the period of thirty days. The possession of any fresh venison or green deer skins during the prohibited period shall be prima facie evidence of the violation of this act.

3. It shall be unlawful to kill or capture at any time, within Botetourt county, wild turkey or pheasants, except between the thirty-first day of October and the first day of January next succeeding of each year; and any person violating this section shall be deemed guilty of a misdemeanor, and shall be fined not less than ten dollars for each offence, and the party convicted shall be confined in jail until fine and costs are paid, but such confinement shall not exceed ten days in each case.

4. This act shall be in force from its passage.

CHAP. 668.—An ACT to repeal an act approved February 1st, 1894, entitled an act to regulate the killing, capturing, hunting, &c., of wild turkeys in the county of Lunenburg.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the act approved February first, eighteen hundred and ninety-four, entitled an act to regulate the killing, capturing, hunting, buying or selling, or offering for sale of wild turkeys in the county of Lunenburg, and to prohibit the catching of same in drops or nets, and to prohibit the taking or destroying of eggs of same in said county be, and is hereby, repealed.

2. This act shall be in force from its passage.

CHAP. 669.—An ACT to amend and re-enact section 17 of an act entitled an act to provide for the assessment of taxes on persons, property, and incomes, and on licenses to transact business, and imposing taxes thereon for the support of government and public free schools and to pay the interest on the public debt, and prescribing the mode of obtaining licenses to sell wine, ardent spirits, malt liquors, or any mixture thereof, in cases where a court certificate is required, approved March 6, 1890.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section seventeen of the act entitled an act to provide for the assessment of taxes on persons and property and incomes, and on licenses

to transact business, and imposing taxes thereon for the support of government and public free schools and to pay the interest on the public debt, and prescribing the mode of obtaining licenses to sell wine, ardent spirits, malt liquors, or any mixture thereof, in cases where a court certificate is required, approved March sixth, eighteen hundred and ninety, be amended and re-enacted to read as follows—namely:

§ 17. Taxes on banks.—No tax shall be assessed upon the capital of any bank or banking association organized under the authority of this state or of the United States, but the stockholders in such banks or banking associations shall be assessed and taxed on the market value of their shares of stock therein at the same rate that is assessed upon other moneyed capital in the hands of individuals residing in this state. Each bank or banking association aforesaid, on the first day of February in each year, shall make up and return to the commissioner of the revenue of the county, city, town, or district in which said bank or banking association is located a report, in which shall be given the names of the stockholders, the number of shares owned or held or controlled by each, the market value of said stock, and the stockholder's residence. It shall be the duty of said commissioner of the revenue, on or after the first day of February, in each year, to assess each stockholder upon the shares of stock estimated at the market value on said first day of February in each year a tax of thirty cents on every hundred dollars' value thereof; the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every hundred dollars' value thereof, which shall be applied to the support of the public free schools of the state and make out three assessment lists, give one to the bank or banking association aforesaid, located in his county, city, town, or district, and one to the auditor of public accounts, and retain one. The assessment list delivered to said bank or banking association shall be notice to the bank or banking association of the tax assessed against its stockholders, and each of them, and have the legal effect and force of a summons upon suggestion formally issued and regularly served. The tax assessed upon each stockholder in said bank or banking association shall be the first lien upon the stock standing in his name and upon the dividends due and to become due thereon, no matter in whose possession found, and have priority over any and all liens by deed of trust, mortgage, bill of sale or other assignment made by the owner or holder, and take priority over all liens by execution, garnishment or attachment process sued out by creditors of the stockholder. The bank or banking association shall hold the dividend or other fund which belongs to the stockholder and in its custody at the time the assessment list is received, or that thereafter shall come under its control, for the use of the commonwealth, and apply the same to the payment of the tax assessed, and when thus applied shall be acquitted and discharged from all liability to the stockholder for the money thus disbursed; provided that after making report to the commissioner of the revenue any bank or banking institution, on or before the first day of June in each year, which shall so elect, may pay the taxes assessed against the stock-

holders directly to the auditor of public accounts. But should said bank or banking association fail to elect and pay into the treasury the tax assessed against its stockholders on or before the first day of June in each year, then as soon thereafter as practicable the auditor of public accounts shall transmit to the treasurer of the county or city in which said bank or banking association is located a copy of the assessment list furnished him by the commissioner of the revenue, and it shall be said treasurer's duty to collect the taxes therein assessed, and to this end levy upon the stock of the tax-payer, or so much thereof as is necessary to pay said tax, and sell the same at public auction for cash, as other chattels and personal property are sold under execution. He shall give to the purchaser a bill of sale made under his hand and seal. The bank or banking association in which such bank stock stands on presentation by a purchaser of his bill of sale shall cause the stock therein described to be transferred to said purchaser, and he shall take a clear and unencumbered title to the stock purchased. Should the taxes assessed against bank stockholders evidenced by the bids aforesaid be not paid or collected as hereinbefore provided, the lists aforesaid shall stand and be treated and have the legal effect of tax-tickets regularly made out against each of said stockholders named in said lists as to which tax the right of levy and distress had accrued to the commonwealth, and the treasurer shall proceed to collect the same by levy or distress, and possess all and singular the authority and power conferred upon him by law to collect other state taxes, and be governed by sections six hundred and twenty-two and six hundred and twenty-three of the code of Virginia. The bank or banking association which shall fail or neglect to comply with each and every provision of this act for each separate offence shall be fined not less than one hundred nor more than five hundred dollars, which fine shall be recovered upon motion, after five days' notice, in the county, circuit, corporation or hustings court of the county, city or district in which the said bank or banking association is located. Said motion shall be in the name of the commonwealth and presented by the attorney for the commonwealth of the court in which the motion is brought or made. The real estate of all banks and banking associations shall be assessed on the land books of the commissioners of the revenue with the same taxes with which other real estate is assessed.

2. This act shall be in force from its passage.

CHAP. 670.—An ACT to regulate the granting of injunctions in certain cases.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That every court or judge authorized to award injunctions may, if in the opinion of the court or judge it be proper so to do, prescribe in the in-

junction order the time during which the injunction shall be effective, and after the expiration of such time the said injunction, unless previously enlarged as hereinafter provided, shall stand dissolved. The party to whom such injunction is awarded may within such time give notice to the adverse party, or to his attorney at law or in fact, of the time and place at which he will move the court or judge to whom the bill is addressed to enlarge such injunction or to grant a further injunction, and such adverse party may, within such time and after like notice, move the said court or judge to dissolve such injunction, and on such motion by either of said parties the said court or judge may dissolve or enlarge said injunction or grant a further injunction. From any such injunction which shall stand dissolved, as aforesaid, and from any order dissolving such injunction and refusing to grant a further injunction, there shall be no appeal; but if such order of dissolution and refusal be made by a circuit or corporation court, or a judge thereof, application for an injunction may be made to a judge of the supreme court of appeals, as provided in section thirty-four hundred and thirty-eight of the code of Virginia, who may award an injunction in accordance with that section.

2. This act shall be in force from its passage.

CHAP. 671.—An ACT to amend and re-enact section 2042 of the code of Virginia in relation to damages for trespass by animals, forfeited, &c., as amended and re-enacted by an act approved March 1st, 1888.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section two thousand and forty-two of the code of Virginia in relation to damages for trespass by animals, forfeiture, and so forth, as amended and re-enacted by an act approved March first, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows;

§ 2042. Damages for trespass by animals; forfeiture, and so forth.—If any horses, mules, cattle, hogs, sheep or goats shall enter into any grounds enclosed by a lawful fence, or by a river or stream, or any part thereof, which is by law a lawful fence, or into any grounds, in counties or magisterial districts, or selected portions thereof, wherein the boundary lines of lots or tracts of land have been constituted lawful fences, the owner or manager of any such animal shall be liable for every such entry to a fine of not less than one nor more than twenty dollars, and, in addition, shall be liable to the owner or tenant of such grounds, as the case may be, for any damage sustained. For every succeeding trespass by such animal the owner or manager thereof shall be liable to the owner or tenant of the said grounds for double damages; and after having given at least five days' notice of the fact of two previous trespasses, the owner or ten-

ant of the said grounds shall be entitled to such animal, if it be found again trespassing therein. But so far as relates to that part of Henrico county, Virginia, within three miles of the corporate limits of the city of Richmond, in addition to the above damages the owner or manager of every such animal shall be liable for every such entry to a fine of two dollars for each animal.

And the tenant or owner, or their agents, of any such land so trespassed upon shall have the right to take up and confine every such animal so trespassing and hold the same until the fine imposed under this act; together with the cost of taking up and confining such animal, shall have been paid.

2. This act shall be in force from its passage.

CHAP. 672.—An ACT to incorporate the trustees of the Whosoever home and farm.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That H. M. Wharton, James B. Hudson, E. J. Armstrong, C. H. Grove, N. A. Rust, A. W. McKim, William L. Hudson, S. A. Walton, W. T. Biedler, E. T. Booton, M. M. Hargrove, T. J. Berrey, V. H. Ford, L. H. Keller, H. V. Hudson, and G. T. Chapman, and their successors, as they may be from time to time appointed as hereinafter provided, be, and they are hereby, appointed a body politic and corporate under the name and style of the trustees of the Whosoever home and farm, for the purpose of maintaining, training, and educating orphans and other destitute white male and female children who may be entrusted to their charge, and by that name shall have perpetual succession and a common seal, may contract and be contracted with, sue and be sued, may acquire, receive, hold, possess, and enjoy, and may sell, convey, invest, and otherwise manage or dispose of all property, real or personal, which may be given to or otherwise acquired by the said trustees in or out of this state, and may purchase or erect suitable buildings and appliances: provided that the property, real and personal, shall not exceed in value at any one time three hundred thousand dollars. The said home and farm shall be located and established in Page county, Virginia.

2. The said trustees and their successors, as a board, shall continue in office until their successors are elected, and shall have the power to fill vacancies in their own body occurring by death, resignation, removal, or otherwise; to add to the original number of trustees, provided that the total number of trustees shall not exceed forty; to appoint such officers as may be requisite, and exact from any of them such bonds or other security in such penalty as the trustees may direct, conditioned for the faithful performance of their duties, and also to appoint not less than five persons to constitute and be known as a board of managers, who, with the officers, shall

have the general supervision and management of the affairs of the corporation. The said trustees shall not be liable individually for the debts, liabilities, or contracts of the corporation.

3. Seven trustees shall constitute a quorum for the transaction of business, but it shall require a majority of all the trustees to constitute a quorum in any meeting ordering the sale of real estate belonging to the corporation.

4. The trustees of the corporation shall have the power to make any regulations or laws for the government of the corporation not inconsistent with the laws and constitution of this state or of the United States.

5. This act shall be in force from its passage.

CHAP. 673.—An ACT to amend and re-enact section 525 of the code of Virginia in relation to the collection of fees of the commissioner of the revenue.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section five hundred and twenty-five of the code of Virginia, in relation to the collection of fees of the commissioner of the revenue, be amended and re-enacted so as to read as follows:

§ 525. How made out and collected.—The commissioners may make out tickets for their fees and place them in the hands of a sheriff or constable to be collected and accounted for in the same manner as clerk fees are collected and accounted for. The said commissioners shall be subject to the same penalties as clerks of courts for issuing tickets wrongfully: provided, however, that in the counties of Chesterfield, Bedford, and Brunswick, and the city of Norfolk, the transfer fee allowed by law to the commissioner of the revenue for said counties and city shall be collected by the clerk of the court of record of the said county at the time of recording the deed. The clerk at the time of placing the list of transfers in the hands of the commissioner shall account to him for the fees so collected, deducting therefrom a commission of ten per centum for his services.

2. This act shall be in force from its passage.

CHAP. 674.—An ACT to authorize the Commercial guarantee company of Richmond, Virginia, to deposit securities with the state treasurer.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the Commercial guarantee company of Richmond, Virginia, chartered by the law and equity court of Richmond, Virginia, November eighth,

eighteen hundred and ninety-five, for the purpose of guaranteeing any note, bond or other obligation that bears its name, signed by the president of said company, shall have permission to deliver to and deposit with the treasurer of the state bonds of the state of Virginia, the United States, or of any municipal corporation in this state or any other state, or the stock of any company, bank or other business industry or corporation chartered by this state or any other state, to such an amount as the board of directors of said company shall direct, and the treasurer shall thereupon give to said company a receipt for the same. Said bonds or stock shall be accompanied by authority to the treasurer to enable him to transfer the same in event of sale of any part thereof for the purpose of paying any of the liabilities of the company hereinafter provided for; but all earnings on said stock or interest earned on such bonds or securities shall be paid to and retained by said company. The securities so deposited with said treasurer shall be held for the benefit of all parties who may be creditors of said company to secure compliance by the said company with the terms of their agreements in the sale of bonds or other evidences of debt issued by said company. . If said company shall default in the payment of any interest or any paper on which they are endorsers within ninety days after judgment shall have been obtained in any court of the city of Richmond having jurisdiction of the subject, the treasurer shall, upon application of the party to whom the money is due, proceed to sell at auction or otherwise such an amount of said securities, stocks, bonds and other collateral as will pay the amount of judgment and the expenses of sale, and out of the proceeds of sale such judgment and expenses. When the board of directors of said company by a resolution shall require the return of said securities, or a portion thereof, then the treasurer shall deliver the same to said company or such officer thereof as may be designated in said resolution; provided, however, that there shall be no suit at law pending against said company or judgment recorded against it; and provided, further, that said company shall give notice to the public, for thirty consecutive days, through some paper published in the city of Richmond, of their intention to withdraw said securities, but securities may be exchanged or others substituted without said notice. Whenever requested by the president of said company, the treasurer shall give a certificate of the amount held by him, for which he shall be entitled to a reasonable charge. It shall be lawful for the said Commercial guarantee company to request the auditor of state to verify any of its statements by an examination of the books and papers of said company, and the auditor of state may make this examination, or cause it to be made, and he shall be entitled to make a reasonable charge for the same. The auditor may also furnish a certificate to the correctness of the accounts, papers and books examined, and make a reasonable charge for same.

2. This act shall be in force from its passage.

CHAP. 875.—An ACT to amend and re-enact section 7 of an act entitled an act for the protection of sheep in the county of Albemarle, approved March 25, 1875.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section seven of an act entitled an act for the protection of sheep in the county of Albemarle, approved March twenty-fifth, eighteen hundred and seventy-five, be amended and re-enacted so as to read as follows:

§ 7. That it shall be the duty of the justices of the peace in said county, upon application of the owners or their agents of such sheep as have been killed or injured by dogs since the passage and adoption of this act, to issue a summons to three discreet freeholders in the neighborhood, who shall not be of kin or related to such owners, to appear forthwith on the premises where such sheep may be, and being duly sworn, they, or any two of them, shall proceed to ascertain and appraise the true value of said sheep, which shall not, however, exceed the amount for which such sheep may have been assessed for taxation upon the books of the commissioners of the revenue of the said county, together with fifty per centum of such amount added thereto, and return a statement of the same under their hands to the owner, and where such sheep have not been so listed for taxation by reason of their not having been in the county, then the amount so allowed therefor shall not exceed the amount per capita of the average assessed value of the sheep in the commissioner's district in which such sheep shall have been killed, together with fifty per centum of such average assessed value added thereto; and in case any such appraisement shall be shown by the books of said commissioners of the revenue to be in excess of the maximum herein fixed, then the commissioner provided for in section eight of this act shall reduce such appraisement and allow only the maximum herein fixed as aforesaid.

2. This act shall be in force from its passage.

CHAP. 876.—An ACT to amend and re-enact section 16 of an act entitled an act to provide for the working and repairing of public roads and bridges in Albemarle county, approved February 20, 1892.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section sixteen of an act entitled an act to provide for the working and repairing of public roads and bridges in Albemarle county, approved February twentieth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 16. The said board shall annually levy (along with the county levy) a tax upon all the property, real and personal, assessed for

taxation in the several road districts aforesaid for the working, repairing and keeping in order of the public roads and bridges under this act, which tax shall not exceed twenty cents on the hundred dollars of such property, and such tax shall be laid separately upon each road district, and may be at different rates in the different districts, and of the moneys collected by the county treasurers in each district a separate account shall be kept, and the same shall be expended in the district in which they were collected. But in addition to the said district tax the said board of supervisors may annually appropriate so much of the general county levy as may not be used for other purposes for a county road fund, to be expended in working and keeping in repair the roads and bridges throughout the county in such manner as the county court of the county or judge thereof in vacation may, with the approval of said board, direct.

2. This act shall be in force from its passage.

CHAP. 677.—An ACT for the relief of Dulaney Malone, a Confederate, of Washington county.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That Dulaney Malone, a Confederate veteran of Washington county, who is now a beneficiary of the pension act for partial disability by reason of wounds received when in discharge of his duty as a soldier in the war between the states, at the rate of fifteen dollars per annum, and who has exhibited evidence going to show that said wounds have caused a total disability of one arm, which incapacitated him from laborious work in the same degree as if he had lost said arm, and he is hereby authorized to apply in the manner prescribed by law, with evidence satisfactory to the court as such total disability of the arm, to be certified for a pension as though said disability was equal to a loss of one arm, entitled to a pension of thirty dollars.

2. This act shall be in force from its passage.

CHAP. 678.—An ACT to authorize the county court of Wise county to have certain obstruction removed from Guest's river, in Wise county.

Approved March 3, 1896.

Whereas there are certain falls in Guest's river, in Wise county, that obstruct the free passage of fish up said stream; and whereas the citizens of said county who live above said falls being desirous of having said obstruction removed, so as to allow the free passage of fish up said Guest's river; therefore,

1. Be it enacted by the general assembly of Virginia, That upon a petition of fifty voters of said county of Wise the judge of the county court of said county may make an order allowing any person or persons who may desire to do so to blow or blast out any obstruction in Guest's river that prevents the free passage of fish up said stream: provided that in doing so no private property shall be injured; and provided, further, the cost of the same shall be paid by those who make application for the same.

2. This act shall be in force from its passage.

CHAP. 679.—An ACT to change the name of Jacksonville magisterial district in Floyd county to Court-house district.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That Jacksonville magisterial district, in the county of Floyd, as the same is now laid off and designated, shall be, and is hereby, named and designated Court-house district of Floyd county.

2. This act shall be in force on and after the first day of April, eighteen hundred and ninety-six.

CHAP 680.—An ACT for the relief of Samuel P. Mosely, a disabled Confederate soldier.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized to place the name of Samuel P. Moseley, of the county of Buckingham, on the list of Confederate soldiers whose disabilities are total and who are entitled to a compensation allowed by an act of the general assembly approved March fifth, eighteen hundred and eighty-eight, as amended by an act approved March fifth, eighteen hundred and ninety-two; provided that this act shall not be effective as long as the said Samuel P. Mosely is an inmate of the Confederate soldiers' home of Virginia.

2. This act shall be in force from its passage.

CHAP. 681.—An ACT to incorporate the Stonewall Jackson institute.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That John A. Buchanan, R. M. Page, John G. White, F. B. Hutton, W. B. Ingham, Robert A. Preston, James L. White, F. B. Hurt, T. P. Trigg, W. G. G. Lowery, William J. Brown, B. Gildersleeve, H. Fugate, T. A. Wharton, J. J. Stuart, and fifteen other persons to be named by the Abingdon presbytery, and their successors be, and are hereby, constituted a body politic and corporate under the name and style of Stonewall Jackson institute, and by that name have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, in any court of law or equity; and the said trustees of Stonewall Jackson institute shall be capable in law to receive, hold, and dispose of real and personal property, in order to carry out the purposes of their incorporation; provided the amount of real and personal estate shall not exceed one hundred thousand dollars.

2. The said Stonewall Jackson institute shall be under the control and management of the said trustees and their successors, who shall appoint a treasurer, and all necessary officers and professors, and from time to time make such by-laws, rules and regulations for the government of the institution as to them shall seem fit, not inconsistent with the laws of this state or of the United States.

3. The board of trustees, two-thirds concurring, shall have power to remove any trustee for any good cause, and when any trustee shall absent himself from three successive meetings, without assigning a sufficient reason at the fourth, the trustees of said institution shall have power, by entry on their minutes, to declare his seat vacant.

4. Ten of the trustees shall constitute a board for the transaction of ordinary business, and any vacancies in said board of trustees, occasioned by death, resignation or otherwise, shall be filled by appointment, alternately, by the surviving trustees and the Abingdon presbytery—the surviving trustees filling the first vacancy that occurs.

5. The treasurer shall receive all moneys accruing to the institute and property delivered to his care, and shall pay or deliver the same to the order of the board of trustees. Before entering upon the discharge of his duties he shall give bond, with such security and in such penalty as the board shall direct, made payable to the trustees for the time being, and their successors, and conditioned for the faithful performance of the duties of his office in all such rules and regulations as the board may adopt.

6. The said board of trustees shall have power, either by themselves or their agents, to take and receive subscriptions for said institute; and in case any person shall fail to pay his or her subscription to enforce the payment thereof by warrant before a magistrate or by motion in any court of record in this commonwealth, according to the amount of said subscription, giving ten days' previous notice of such motion.

7. In order to promote the endowment of said institution it shall be lawful for the trustees to issue and grant certificates of scholarships, setting forth the amount of such scholarships, which may be either perpetual or limited, and for such amounts and upon such conditions as the trustees may determine, entitling the holders of such scholarships to such rights as to placing pupils in the school and upon such terms as may be set forth therein on their face, which said certificates of scholarship may be transferred, bequeathed or otherwise disposed of as any other property.

8. The board of trustees, in connection with the president and professors of the institute, shall have power to confer such diplomas and literary titles as they may think best calculated to promote the cause of female education.

9. The board shall have power to appoint an executive committee of three, who shall perform such duties as may be assigned to them by the board, either by resolution or by the by-laws that may be adopted by the board.

10. This act shall be in force from its passage.

CHAP. 682.—An ACT to authorize the increase of the capital stock of the Portsmouth street railway company.

Approved March 8, 1896.

1. Be it enacted by the general assembly of Virginia, That the capital stock of the Portsmouth street railway company may, from time to time, be increased to any amount, until the total capital of the company shall be five hundred thousand dollars, upon such terms and conditions, and under such regulations as a majority in interest of the stockholders may prescribe, by the issue and sale of shares of the same par value as the shares into which the present capital stock of the company is divided; and the directors may receive cash, labor, material, bonds, stock, real or personal property, in payment for the capital stock of the company so issued and sold, at such valuation and at such prices as may be agreed upon between the directors and the subscribers to or purchasers of the stock.

2. This act shall be in force from its passage.

CHAP. 683.—An ACT to amend and re-enact section 1842 of the code, as amended and re-enacted by an act entitled an act to amend and re-enact section 1842 of the code of Virginia, in relation to sale by samplers and others of unclaimed tobacco in warehouses of the city of Richmond, and disposition of the proceeds, approved March 3, 1890.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section one thousand eight hundred and forty-two of the code, as amended and re-enacted by an act entitled "an act to amend and re-enact section one thousand eight hundred and forty-two of the code of Virginia, in relation to sale by samplers and others of unclaimed tobacco in warehouses of the city of Richmond, and disposition of the proceeds," approved March third, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 1842. Sale by samplers and others of unclaimed tobacco in warehouses in the city of Richmond, and disposition of the proceeds. When any tobacco shall have remained in any warehouse in the city of Richmond undemanded for a term of one year from the time of its inspection therein, the warehouseman or other person having the tobacco in charge or entitled to the due thereon, may advertise in some newspaper published in said city once a week for three successive weeks a list of marks, numbers, and weights of such tobacco, with the names of the persons to whom notes or receipts for it were given, and if no owner claims said tobacco and pays the accrued extra storage thereon within sixty days after date of such advertisement, he shall sell, or cause the same to be sold, on account of whom it may concern. The proceeds of such sale shall be paid into the state treasury, after deducting therefrom all dues and fees and the usual charges for selling. The amounts so paid into the treasury shall be refunded to the owner of said tobacco on the return to the person entitled thereon of the notes or receipts issued for the same.

2. This act shall be in force from its passage.

CHAP. 684.—An ACT for the relief of the sureties of John M. Dawson, late treasurer of James City county and the city of Williamsburg, and also granting to said John M. Dawson an extension of time within which to distrain for, levy, and collect tax bills now in his hands.

Approved March 3, 1896.

Whereas on the twentieth day of November, eighteen hundred and ninety-four, judgments in favor of the commonwealth of Virginia were obtained in the circuit court of the city of Richmond against John M. Dawson and his sureties on his official bond as treasurer of the county of James City for the sum of two thousand one hundred and sixty dollars and fifteen cents, and on the same day, as treasurer of the city of Williamsburg, for the sum of two thousand nine hun-

dred and thirty-four dollars and forty-five cents; and on the ninth of December, eighteen hundred and ninety-five, also judgments were obtained in the same court against the said Dawson and his securities as treasurer of James City county for the sum of seven hundred and nineteen dollars and twenty-nine cents, and as treasurer of the city of Williamsburg for twenty-one hundred and eighty-nine dollars and ninety-two cents, on which said judgments a penalty of fifteen per centum per annum was imposed upon the said Dawson and his sureties for his failure to pay the said sums into the treasury within the time prescribed by law; and upon which said judgments executions issued; and

Whereas the sureties of said John M. Dawson, to be hereinafter mentioned, have paid into the treasury of the state of Virginia all the principal, costs, and six per centum interest due on said executions:

1. Be it enacted by the general assembly of Virginia, That James S. Jones, James Galt, Samuel Harris, John A. W. Jones, T. M. Ware, Edward Debrass, L. W. Waler, William M. Brown, T. G. Peachy, Frank Jenkins, James A. Fields, Simeon Whitby, T. B. Mahone, and J. W. Wilkerson, the sureties of said John M. Dawson, who contributed to the payment of the aforesaid indebtedness, are hereby released from the payment of the penalty imposed under section six hundred and eighteen, code of Virginia, eighteen hundred and eighty-seven, in excess of the six per centum already paid by them.

2. Be it further enacted, That John M. Dawson, late treasurer of James City county and the city of Williamsburg, be allowed the further time of one year within which to distrain, levy for, and collect tickets for taxes and levies now in his hands and uncollected, and not returned delinquent or insolvent for the years eighteen hundred and ninety-two, eighteen hundred and ninety-three, and eighteen hundred and ninety-four, and for which he has accounted to the state.

2. This act shall be in force from its passage.

CHAP. 685.—An ACT for the relief of J. H. Wingfield.

Approved March 8, 1896.

Whereas John H. Wingfield, of Wise county, late of Franklin county, a deserving Confederate soldier, lost his health in the late war between the states; and

Whereas the said Wingfield is a confirmed invalid by reason of constant exposure in service, and is unable to perform manual labor, and being without any resources: therefore,

1. Be it enacted by the general assembly of Virginia, That the name of the said John H. Wingfield be placed by the auditor on the list of Confederate soldiers who lost an arm or leg or foot or hand while in discharge of their duties as soldiers, and that said John H. Wingfield be entitled to and receive such sum as such soldiers are entitled

to under an act approved March fifth, eighteen hundred and eighty-eight, as amended by the act approved March first, eighteen hundred and ninety-two, entitled an act to give aid to soldiers, sailors, and marines of Virginia maimed or disabled in the war between the states, and to widows of Virginia soldiers, sailors, and marines who lost their lives in said war in military service: provided, however, that before the auditor shall be authorized to place the name of said Wingfield on such, said Wingfield shall prove before the county court of Wise county or Franklin county, by competent and sufficient testimony, that he is suffering under a disease and disability equal to or greater than the loss of a leg or arm would be with respect to incapacitating him from manual labor, and that such disease or disability was contracted and incurred by said Wingfield in military service of this state; and said Wingfield shall produce to the auditor of public accounts the certificate of said court showing the proof and testimony aforesaid, and that said court is satisfied as to the truth and correctness of the same.

3. This act shall be in force from its passage.

CHAP. 686.—An ACT to punish the illicit traffic in intoxicating liquors in the counties of Wythe, Carroll and Grayson.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That if any justice of the peace or police justice of the counties of Wythe, Carroll and Grayson has reason to believe that any person or persons in their respective counties are engaged in the traffic and sale of wines, ardent spirits, malt liquors, or mixtures thereof, by wholesale or retail, without first having obtained a state license authorizing him or them to engage in the sale of such liquors, or mixtures; or if any person make complaint before such justice, and an affidavit in writing stating that he has reason to believe that any person or persons, naming them, are so engaged in the illicit dealing and traffic of such liquors within the jurisdiction of the county courts of the several counties aforesaid, giving the name and places where such liquor is sold, in either case the justice shall issue his warrant directed to the sheriff or any constable of his county, commanding him to arrest and bring before him, or some other justice of the peace or police justice, the suspected person or persons, to be heard for the offence. The justice shall endorse upon the warrant the names of such witnesses as he wishes to examine, or that may be furnished him by the person making the complaint. And the sheriff or constable to whom the warrant is directed shall have power to enter any dwelling or out-house in which he has reason to believe such liquors or mixtures are kept; and it shall be his duty to summon any other witnesses whom he has reason to believe have any knowledge of the violation of the law, to attend at the hearing and

testify before the justice; and it shall be his further duty to inform the justice what he believes these witnesses know. If the justice hearing the case is of opinion that there is probable cause to believe the accused guilty, he shall commit him to the jail of the county to answer an indictment in the county court; or he may admit him, in his discretion, to bail, in a sum of not less than one hundred dollars for each offence, and shall require him to furnish two good sureties as his bail, whom the justice shall require to state upon oath that they are severally worth at least the sum of two hundred dollars after the payment of all their debts and obligations on which they are bound jointly with others; and the justice shall endorse upon the warrant the names of the sureties, and that this oath was made before him. The justice shall recognize all the witnesses before him to appear at the next term of the county court of his county.

2. All persons, principals, agents and servants, in any way connected with such illicit traffic of liquors, or mixtures thereof, all persons who procure the sale of such liquors or mixtures, shall be deemed violators of the law, and be subject to the punishment prescribed by the general law. It shall not be necessary to secure a conviction of the accused to have a witness to testify to some specific sale or overt act in violation of the law, but the conviction may be made upon the general reputation of the person accused as a violator of the law prohibiting the traffic in liquors, or upon the general reputation that the place where such traffic was carried on is a place where such illicit traffic is engaged in.

3. This act shall be in force from its passage.

CHAP. 687.—An ACT to incorporate the Border mutual benefit association of Danville, Virginia.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That J. E. Perkinson, J. F. Carothers, J. H. Rhodes, W. E. Griggs, George T. Fitzgerald and C. W. Throckmorton, of the city of Danville, Virginia, and their associates, successors and assigns, be, and are hereby, constituted a body corporate and politic by the name of the Border mutual benefit association, and by that name shall be known in law, and shall have perpetual succession, and shall have power to sue and be sued, plead and be impleaded in all courts, and may make and have a common seal and alter the same at pleasure, and shall have, exercise and enjoy all the rights, powers and privileges pertaining to corporate bodies and necessary for the purposes hereinafter set forth: and may make a constitution, by-laws, rules and regulations, consistent with the existing laws of the state, for the government of all under its authority, for the manage-

ment of its estates and properties, and for the due and orderly conduct of its affairs; the general objects of said association being:

First. To unite all persons of sound bodily health and good moral character.

Second. To give all material aid in its power to its members and the families of deceased members.

Third. To establish a fund for the relief of sick and distressed members, and for the payment of benefits after certain periods of membership.

Fourth. To establish a benefit funeral fund from which the family or dependents of members of said association who shall have complied with all its rules and regulations, and on satisfactory evidence that the necessities of whose family require such aid, may receive, at the death of such member, a sum not to exceed one hundred dollars.

2. The said association may acquire and own real estate not to exceed fifty acres at any one time, and its principal office shall be in the city of Danville.

3. All taxes and debts due the state shall be paid in money, and not in coupons.

4. This act shall be in force from its passage.

CHAP. 688.—An ACT to amend and re-enact section 556 of the code, prescribing when commissioners to return lists of licenses to auditor, and what list to contain.

Approved March 8, 1896.

1. Be it enacted by the general assembly of Virginia, That section five hundred and fifty-six of the code be amended and re-enacted to read as follows:

§ 556. When commissioners to return lists of licenses to auditor and clerks; what list to contain; auditor to furnish forms.—Every six months, to-wit: the first day of July and the thirty-first day of December of each year, the commissioner shall return, on oath, to the auditor of public accounts and to the clerk of the court of the county or corporation, a fair classified list of all licenses granted by him within the last preceding six months, embracing all such licenses as were not contained in any preceding report; and if no licenses were issued, he shall report the fact, on oath, at the time aforesaid. In each class of licenses the names of the persons licensed shall also be arranged alphabetically; and such list shall specify the date of each license and the time it terminates; for what it was granted; the name of the person, firm or company to whom granted; the amount of tax on the license; to whom paid; and if paid to the deputy of any county or city treasurer, shall state also the name of his principal; and shall also show the data on which his calculation of the tax was made. It shall be the duty of the auditor of public accounts to furnish to each commissioner

printed forms and oaths for authenticating such lists or reports as above indicated, and the commissioner shall make report according to such forms. Any commissioner failing to make such report at the times specified shall forfeit not less than one hundred nor more than five hundred dollars, and unless a reasonable excuse is given, shall forfeit all compensation to be received from the treasury.

CHAP. 689.—An ACT to authorize the board of trustees of Margaret academy, in Accomac county, to hold meetings with less than a quorum of its members.

Approved March 8, 1896.

1. Be it enacted by the general assembly of Virginia, That any number, not less than five, of the trustees of Margaret academy, shall at all times hereafter constitute a lawful meeting of said trustees, and all acts and proceedings of such meeting, or a majority thereof, shall be as effectual and for all purposes as valid as if such meeting consisted of a majority of all the trustees of said academy; provided, however, it shall appear by the record of the proceedings of the meetings hereby authorized that all the trustees of said academy have been duly notified of the time and place of holding such meetings.

2. This act shall be in force from its passage.

CHAP. 690.—An ACT to provide for the manner of electing certain district officers in the county of Rockingham.

Approved March 8, 1896.

1. Be it enacted by the general assembly of Virginia, That in the several magisterial districts of the county of Rockingham there shall be chosen by the qualified voters thereof, at the general election to be held in May, in the year eighteen hundred and eighty-nine, and bi-ennially thereafter, one supervisor, one constable, three justices, and one overseer of the poor, who shall hold their office for the term of two years; provided, however, that in any magisterial district in said county wherein is situated any incorporated town or city which provides for its own poor and maintains its own streets, the voters of said district residing within the corporate limits of such town or city shall not vote for overseer of the poor and commissioner of roads for the said magisterial district, but only the voters outside the corporate limits of such cities or towns and within the magisterial district shall be qualified to vote for overseer of the poor and commissioner of roads, and the judges of elections at voting precincts in such cities and towns shall provide separate ballot-boxes to receive

the vote of such electors as reside outside the corporate limits thereof but who vote at a precinct in the town or city aforesaid, wherein shall be deposited the ballots of such electors voting for overseer of the poor and commissioner of the roads.

2. All acts or parts of acts inconsistent with this act so far as it relates to the said county of Rockingham are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 691.—An ACT to provide for better school facilities in the county of Craig and a levy of a special tax therefor.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That the school districts of the county of Craig, or any of said districts in which three-fifths of the qualified voters voting on the question at any regular election vote affirmatively, may impose upon itself a tax not exceeding thirty-five cents on the hundred dollars of the taxable value of the property of said district, the proceeds of such tax to be applied by the district school board to the payment of salaries of teachers or the building or repairing of school-houses; provided that said question shall not be voted on by any school district unless fifty qualified voters or more of said district shall petition the school board of such district to submit the question to the qualified voters of the district, and said petition shall be filed with the clerk of the county court of Craig county at least six weeks before the day on which said election is to be held.

2. This act shall be in force from its passage.

CHAP. 692.—An ACT to incorporate the Citizens deposit bank of Waynesboro, Virginia.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That there be hereby created and established in the town of Waynesboro, Augusta county, Virginia, a bank of discount and deposit, with a capital of not less than fifteen thousand dollars, which may, by vote of the board of directors, be increased to a sum not exceeding two hundred thousand dollars; provided, however, that no increase shall become effectual until the amount of such increase shall have been first submitted to and ratified by the vote of the owners of the majority of the stock of the bank, and shall have been subscribed for by good and solvent persons, under the name and style of the Citizens deposit bank. The said corporation shall have perpetual suc-

cession, power to sue and be sued, to contract and be contracted with, to plead and be impleaded, in all courts and places as a natural person; to have a common seal, which it may alter at pleasure; and to do such other acts and things as may be necessary or proper in the transactions of the business which it is hereby authorized to do.

2. That T. H. Antrim, George C. Maslin, James R. Goodloe, John J. McHenry, George Freed, Elijah Koiner, A. B. Ferguson, E. E. Wallace and Kemp Chew, are hereby appointed commissioners, any five or more of whom may open books in the town of Waynesboro and receive subscriptions for the capital stock of the Citizens deposit bank, thirty days' previous notice having been given as required by law; and when and as soon as fifteen thousand dollars thereof shall have been subscribed for it shall be their duty to notify the subscribers of the said stock and appoint a day and place for the election of the board of directors, who shall hold their offices until the first annual meeting of the stockholders thereafter, or until their successors are elected and qualified, each of whom must own ten shares or more. The annual meeting of the stockholders shall take place in the town of Waynesboro on the second Monday of July of each and every year, at which time there shall be chosen a board of directors, composed of not less than five nor more than nine persons, elected by and from the stockholders, who shall manage the affairs of the bank and hold their offices for one year, and until their successors are elected and qualified. The said board shall elect from its number a president, and it may appoint such subordinate officers and agents as may be necessary to conduct its business, and may require of them bonds for the faithful discharge of their respective duties. The majority of the board shall constitute a quorum, and any vacancies occurring in the said board may be filled by it until the next annual election.

3. The capital stock of the said bank shall be divided into shares of one hundred dollars each, transferable only in person or by attorney upon the books of the corporation, and shall be subject to a first lien in favor of the corporation to secure any indebtedness owing by the registered owner thereof to the bank at the time any such transfer may be requested. At all meetings of the stockholders each shareholder shall be entitled to cast one vote for each and every share of stock then standing in his or her name upon the books of the bank; provided, fifty per centum of all the stock subscribed for shall be paid in before the bank commences business; provided, further, the entire stock subscribed for shall be paid in full within twelve months after the date of the commencement of the business by the bank; and it is further provided, that should the board of directors at any time increase the capital stock as provided in section one, at least fifty per centum of said additional stock shall be paid in at the time said subscription is made, and the remainder within twelve months from that date; and it is further provided, that in the event the stock is not paid in full at the expiration of twelve months from the date of the commencement of business by the bank, or within twelve months from the date of subscription of increased stock, then the capital of said bank shall be reduced to the amount of stock paid in full.

4. The business of said Citizens deposit bank shall be, and it shall

have the right, to receive money and currency on deposit, upon such terms as may be agreed upon; to loan money upon such security as may be taken; to discount, buy and sell gold and silver, stocks, bonds, bills of exchange, and other evidences of debt; to make advance on approved securities, and upon the agricultural and other products of the country; to receive bonds, stocks, warehouse receipts, and written evidence of the ownership of produce and merchandise in pledge for payment of money, advances or debts owing to it, and to do a general banking business.

5. All bills of exchange and promissory notes made negotiable and payable to said bank, and all bills of exchange and promissory notes made negotiable and payable at any bank created by this commonwealth, or that may be organized under the laws of the United States, and discounted by or sold to said Citizens deposit bank, shall be placed on the footing of foreign bills of exchange, and remedy had, jointly and severally, against the principals, securities, drawers, acceptors and endorsers, and any or more of them.

6. In any case where said bank may receive collateral for the security of any debt owing to it, the person pledging such collaterals and the bank may enter into written agreement to the effect that if such debt is not paid at maturity, or by a specified time thereafter, the said bank shall have the right to sell and pass the title to any collateral so pledged at such time and place and manner, and upon such terms as may be specified in said written agreement, and to apply the proceeds to the payment of the debt for which the pledge was made. But in no case shall such sale be made until the owner of such collateral shall have had at least ten days' notice mailed to him, or until such notice shall have been published by insertions in some paper published in the city of Staunton.

7. The said bank may acquire, use, hold, and dispose of such real property, goods or chattels, as may be necessary and proper or convenient for the transaction of its business with safety, or which may be transferred or conveyed to it as security for any debt, or purchased by it in total or partial satisfaction of any debt, judgment, or decree; but beyond what may be necessary for its use in the conduct of its business it shall resell as soon as practically convenient; provided they shall not hold the same for a longer period than five years.

8. Before entering upon the discharge of their duties the directors, and each of them, shall make oath before some person authorized by law to administer affidavits that they and each of them will, to the best of their skill and judgment, faithfully discharge every duty devolved upon them by virtue of their said offices.

9. Said bank shall at no time be indebted, nor in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise.

10. The board of directors of the said bank may ordain and establish such necessary regulations and by-laws, not inconsistent with the law of the land, as may be deemed proper and expedient for the conduct of its business.

11. Every stockholder of this bank shall be individually liable to the creditors of the bank to the full amount of stock subscribed for and owned by him, but to no greater extent.

12. The board of directors of the said bank may from time to time declare dividends of its profits in such amounts as they may determine, which shall be paid or passed to the credit of the shareholders in proportion to the stock held by them respectively; provided, however, that no dividend shall be declared that exceeds a rate of six per centum per annum until there has been set aside as surplus fund an amount equal to five per centum of the paid-up capital stock of the bank.

13. The general assembly of Virginia reserves the right to alter, amend, or repeal this charter at pleasure.

14. This act shall be in force from its passage.

CHAP. 693.—An ACT directing the auditor of public accounts to place the name of Andrew Austin on the pension list.

Approved March 3, 1896.

Whereas Andrew Austin, of Smyth county, Virginia, who was a member of Company C, Forty-fifth Virginia regiment, of the Confederate army, during the late war was captured at Piedmont, in the Valley of Virginia, about June, eighteen hundred and sixty-four, and taken to Camp Morton prison, where he was confined till the nineteenth day of February, eighteen hundred and sixty-five; and whereas said Andrew Austin while so confined in said prison contracted fever which settled in one of his legs, which has ever since been greatly enlarged, with several running sores ever since, thereby almost totally disabling him from manual labor and entailing upon him a perpetual expense:

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be directed to enroll said Andrew Austin on the pension list as entitled to the pension provided by the laws of this state to those soldiers who were totally disabled by reason of wounds received while in the discharge of their duty, to-wit: thirty dollars per annum; provided that the facts here alleged shall be proved before the county court of Washington county.

2. This act shall be in force from its passage.

CHAP. 694.—An ACT extending further time to A. O. Burks, treasurer of the city of Buena Vista, for the collection of unpaid taxes due to the commonwealth and to said city.

Approved March 8, 1896.

1. Be it enacted by the general assembly of Virginia, That A. O. Burks, treasurer of the city of Buena Vista, be, and he is hereby, allowed one year from the passage of this act to collect any unpaid taxes due to the commonwealth and to said city for the years eighteen hundred and ninety-two, eighteen hundred and ninety-three, and eighteen hundred and ninety-four, which have not been returned delinquent, and which he has accounted for to the commonwealth and to said city.

2. This act shall be in force from its passage.

CHAP. 695.—An ACT to add independent sections to an act entitled an act to amend the charter of the town of Fredericksburg, approved March 23, 1871.

Approved March 8, 1896.

1. Be it enacted by the general assembly of Virginia, That the following independent sections be, and the same are, added to and made a part of an act entitled an act to amend the charter of the town of Fredericksburg, approved March twenty-third, eighteen hundred and seventy-one.

a. The common council of the city of Fredericksburg shall have power to forbid any merchant, tradesman or the keeper of an inn, ordinary, bar-room or saloon, within the corporate limits of said city, from selling, bartering, giving or furnishing by themselves, or by any persons, in their employment or at their request, any spirituous or intoxicating or malt liquors to a minor without first obtaining the written authority therefor of his parent or guardian, and to impose fines and imprisonments in the city jail for the violations of such ordinances as may be made by said council in relation thereto, additional to those prescribed by the state laws for such offences, such fines to be not less than twenty dollars nor more than two hundred dollars, and such imprisonment to be for not less than ten days nor over two months for each offence; and to require the offender upon conviction of such offence to enter into a recognizance with surety in a penalty of three hundred dollars to be of good behavior for one year.

b. The said council shall have the power to forbid the opening of any bar-room, saloon, or other place for the sale of intoxicating or malt liquors, within the corporate limits of said city, and to forbid the selling, bartering, giving or furnishing any intoxicating or malt liquors in any bar-room, saloon or other place within said corporate limits, between twelve o'clock on any Saturday night and sunrise of the succeeding Monday morning, and to impose fines and imprison-

ment in the city jail for the violation of such ordinances as may be made by said council in relation thereto, additional to those prescribed by the state laws for such offences, such fines to be not less than twenty dollars nor more than two hundred dollars, and such imprisonment to be not less than ten days nor over two months for each offence, and to require the offender upon conviction of such offence to enter into a recognizance with surety in the penalty of three hundred dollars to be of good behavior for one year.

c. The right of appeal to the corporation court of said city is given to any person convicted by the judgment of the mayor of said city of offences under the provisions of the above sections *a* and *b*.

d. In every case of conviction under the ordinances of said common council made in relation to the offences mentioned in the above sections *a* and *b*, the mayor shall certify the said convictions to the judge of said corporation court with the names of the witnesses who testified in each case.

e. This act shall be in force from its passage.

CHAP. 696.—An ACT for the relief of R. T. Sears, one of the sureties of John H. Sears, late treasurer of Mathews county.

Approved March 3, 1896.

Whereas R. T. Sears, one of the sureties of John H. Sears, late treasurer of Mathews county, is indebted to the commonwealth of Virginia in the sum of twelve hundred and thirty nine-one-hundredths dollars, as shown in a decree rendered in the circuit court of Mathews county in the suit of commonwealth for and against John H. Sears and others; and

Whereas there is now pending in the court of appeals of Virginia an appeal from the above-named decree; and

Whereas the auditor of public accounts, the attorney-general of Virginia, and the judge of the circuit court of Richmond endorse and approve the amount of twelve hundred and thirty dollars, nine cents, to be paid by R. T. Sears, as a compromise between the commonwealth of Virginia and the said R. T. Sears; and

Whereas R. T. Sears, rather than prosecute the appeal further, agrees to pay off the said sum of twelve hundred and thirty dollars and nine cents, provided he can pay in state bonds, known as the Riddleberger bonds; now, therefore,

1. Be it enacted by the general assembly of Virginia, That R. T. Sears is permitted and authorized to pay off and discharge the sum of twelve hundred and thirty dollars and nine cents due the commonwealth of Virginia, in state bonds issued under the act approved February fourteenth, eighteen hundred and eighty-two, known as Riddleberger bonds, at their face value: provided that said R. T. Sears shall pay the same on or before the first day of August, eighteen hundred and ninety-six.

2. This act shall be in force from its passage.

CHAP. 697.—An ACT to amend and re-enact an act of the general assembly of Virginia, approved January 30, 1896, entitled an act requiring the auditor of public accounts to make a statement annually showing an accounting of the county and city treasurers with the state who are in arrears, and prescribing the manner in which the same shall be made public.

Approved March 8, 1896.

1. Be it enacted by the general assembly of Virginia, That the act of the general assembly of Virginia, approved January thirtieth, eighteen hundred and ninety-six, entitled an act requiring the auditor of public accounts to make a statement annually, showing an accounting of the county and city treasurers with the state who are in arrears, and prescribing the manner in which the same shall be made public, be amended and re-enacted so as to read as follows:

Whereas during every session of the general assembly it is developed that some of the county or city treasurers are in arrears to the state on account of collection of taxes, thereby depriving the commonwealth of its just dues which should be promptly turned into her coffers; and

Whereas it is right and proper that the sureties of all such treasurers, as well as tax-payers of the state, should be apprised of the true facts in connection therewith; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, required to have made from the books in his office annually, at the end of the fiscal year, commencing with the thirtieth day of September, eighteen hundred and ninety-six, a statement, showing the condition of the accounts of every county or city treasurer of the commonwealth, who is in arrears to the state in his collections therefor, giving the year of such delinquency; and it shall be the duty of the said auditor to transmit, within thirty days thereafter, a copy of such statement to the clerk of each county or city wherein such treasurer resides or holds his office, respectively, and it shall be the duty of every such clerk to make a copy of the same without delay and post upon the front door of his court-house, and place the original on file in his office, where it may be conveniently examined by any tax-payer so desiring, and he shall allow any newspaper desiring to publish the same to make a copy of it.

CHAP. 698.—An ACT to amend and re-enact section 33 of an act entitled “an act to amend the charter of the city of Alexandria, approved February 20, 1871, as amended by an act approved March 22, 1871, and by an act approved the 17th day of March, 1876, and by an act approved March 20, 1877, and by an act approved January 25, 1879, and by an act approved March 1, 1888, and by an act approved February 25, 1892, and by an act approved March 8, 1894.

Approved March 3, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-three of an act entitled “an act to amend the charter of the city of Alexandria, approved February twentieth, eighteen hundred and seventy-one, as amended by an act approved March twenty-second, eighteen hundred and seventy-one, and by an act approved the seventeenth day of March, eighteen hundred and seventy-six, and by an act approved March twentieth, eighteen hundred and seventy-seven, and by an act approved January twenty-fifth, eighteen hundred and seventy-nine, and by an act approved March first, eighteen hundred and eighty-eight, and by an act approved February twenty-fifth, eighteen hundred and ninety-two, and by an act approved March eight, eighteen hundred and ninety-four,” be amended and re-enacted so as to read as follows:

§ 33. That the city council is authorized and empowered to lay out, establish, open, close, vacate, widen, extend, regulate, grade, pave, gravel, macadamize, regrade and repave streets, lanes, avenues, and alleys in said city; to improve, repair, pave and repave sidewalks, pavements, and gutters; to set and reset curbs; to cause sewers and drains to be built, and public squares and parks to be opened, regulated, ornamented and perfected in the manner hereinafter provided, and generally to have such other improvements made in and about such streets, avenues, lanes, alleys, parks and squares as the public wants and conveniences may require.

That whenever the city council shall deem it expedient to lay out, establish, open, widen, extend, regulate, grade, pave, gravel, macadamize, regrade, or repave, any street, lane, avenue or public alley in said city, or to improve, pave, or repave any sidewalk, pavement or gutter, or to have set or reset and put down any curbing, it shall by joint resolution designate the district to be improved and the character of the improvements proposed, and direct the city engineer to survey the street, lane, avenue or public alley, which it is proposed to improve, and to make a report to the city council, and to file with said report a plat showing the grade, or change of grade, if any, and plans and specifications, and an estimate of the costs of the proposed improvement, with the names of the owners of the property to be affected thereby; and the said report shall be filed with the auditor of the city of Alexandria, who shall publish for ten days in one or more newspapers of said city, to be designated by the city council, a notice that the said report has been filed, and that all persons interested are notified to examine the same, and that they must file their objections thereto in writing with the said auditor within fifteen days from the first day said notice is published; and the said

notice shall also designate with convenient certainty the property to be affected and the district to be improved; and the said auditor, after the expiration of the said fifteen days, shall transmit the said report of the city engineer, a copy of said notice and the objections filed with him to said report, or to the proposed improvement, to the city council.

The city council, after considering said report, plans and specifications, with the objections filed thereto, and making such alterations as it may deem proper, may by an ordinance direct such street, lane, avenue, or public alley to be laid out, established, opened, widened, extended, regulated, graded, paved, graveled, macadamized, regraded, repaved, or otherwise improved, or such sidewalk or gutter to be improved, repaired, paved, or repaved, or such curbing to be set or reset and put down; the same to be done by the persons and in the manner specified in said ordinance; and when the said improvements have been completed the city council shall, after giving ten days' notice thereof by advertisement in some newspaper published in said city, and by posting at the front door of the courthouse, apply to the corporation court of the city of Alexandria, which shall thereupon appoint three commissioners, who shall constitute a board to ascertain the property benefited by such improvements and the amount each piece of property is peculiarly benefited by the same over and above the benefits to the public generally. Vacancies in the said board shall be filled by the said court without further notice; and the said commissioners shall hold their office during the pleasure of the court, and shall receive two dollars and fifty cents each for every day necessarily employed in the performance of their duties, to be paid by the city council. Before acting hereunder each of said commissioners shall take an oath in writing, before some officer authorized to administer oaths, to faithfully and impartially perform the duties aforesaid, which oath shall be filed in the clerk's office of the said court.

The said commissioners, after giving ten days' notice to the owners of the property, or to the agent, guardian or committee of such owner, affected by the said improvement, or by publication in some newspaper published in the city of Alexandria, if the owners are not residents of said city, or unknown, of the time and place, when and where they will proceed to perform their duties, shall, after hearing all evidence offered by any person affected by said improvement, proceed to ascertain the property benefited, and the amount each lot or parcel of land is peculiarly benefited more than the public generally by such improvements; and if when the said commissioners shall have ascertained all the property benefited, and the amount each lot or parcel of land is peculiarly benefited as aforesaid, it shall be found that the aggregate amount of the assessments for benefits exceeds two-thirds of the cost of such improvements, the said commissioners shall deduct such excess from the amount assessed against the several lots or parcels of land in the district where such assessment is made in proportion to their respective amounts. When the said commissioners shall have performed all the duties hereinbefore required of them they shall make a report in which

they shall describe each lot or piece of land peculiarly benefited by such improvements, and state the name of the owner, or that the owner is unknown, and the sum assessed upon each lot or part thereof for said benefits, which report they shall file in the corporation court of the city of Alexandria on the first day of the term of said court next succeeding the date of the making of the said report; and unless exceptions are filed to the said report within ten days after the filing of the said report the same shall stand confirmed; but should exceptions be filed the said court shall forthwith hear the same, and the said court may confirm, alter or revise said report, and enter such judgment thereon as it may deem right and just, except that said court shall not have power to enter a personal judgment against said exceptant for the amount of the benefits so ascertained and assessed as aforesaid, but the said court may, in its discretion, enter judgment for the costs of the trial of said exceptions against either party, as to the court may seem proper.

Should the owner of any lot or parcel of ground affected by said improvement be an infant or insane, the court shall appoint a guardian ad litem for such infant or insane person, and no report shall be confirmed or acted upon by said court until said guardian ad litem shall have been appointed. Upon the confirmation of any report, or upon the entering of any judgment as hereinbefore provided, the clerk of said court shall deliver to the auditor of said city certified copies of said report, and of the judgment of the court thereon, who shall forthwith record the same in a book to be kept for the purpose; and from and after the time of the confirmation of any report to which exceptions have not been filed, and from and after the time of the judgment of the said court upon any report to which exceptions have been filed, there shall be a lien and a prior lien upon any lot or parcel of ground affected by any such report, to all other liens and incumbrances except state taxes, for the amount so assessed and ascertained, together with interest thereon at the rate of six per centum per annum from the date of any such confirmation or judgment. The auditor shall forthwith furnish to the collector of taxes of said city a list of the properties so assessed, the names of the owners thereof, and the amount of such assessment against each, who shall proceed to collect the same; and should the owner of any of said property fail to pay the amount of said assessment and interest thereon within one year from the date of the delivery of said list to said collector of taxes, the said collector of taxes shall forthwith levy upon said lot or parcel of land, or so much thereof as may be necessary to satisfy said assessment and interest and cost and expenses of sale, and sell the said lot or parcel of land at public auction for cash, after ten days' notice of the time, place and terms of sale, by publication in some newspaper published in the said city; and if at such sale no bid is made in excess of the amount of said assessment, interest and the costs and expenses of sale, the said lot shall be struck off to the said city council, and it shall be a purchaser thereof upon the same terms as other purchasers, and shall hold and dispose of the same for its benefit. Any lot of ground sold by said collector of taxes may be redeemed, and shall be held, conveyed or disposed

of in the same manner and after the same length of time as real estate sold by the city council for the non-payment of taxes thereon. The city council shall also have the right to institute a suit in equity, either in the corporation or circuit court for the city of Alexandria, to enforce the lien aforesaid upon any lot or parcel of ground so assessed with benefits as aforesaid, for the amount of said benefits and the interest thereon.

Whenever the city council shall deem it advisable to establish, build or construct sewers in the said city, it shall have power to do the same under the same provisions and regulations, and in the same manner and by the same proceedings, and shall have like lien as hereinbefore specified, for the improvement of streets.

The city engineer shall examine the sidewalks and gutters in the said city and monthly report to the city council such sidewalks and gutters as need repairing, and curbing as needs resetting; and the city council by ordinance or joint resolution may require the owner or owners of the lot of ground in front of which the said sidewalk or gutter needs repairing, or curbing needs setting, to have the same repaired or curbing reset, within the time specified in said joint resolution or ordinance; and if the said owner or owners fail to have such sidewalk or gutter repaired or curbing reset, within the time prescribed by said ordinance or joint resolution the city engineer shall forthwith have the same done, and the costs thereof, together with interest thereon at twelve per centum per annum, shall be a lien upon the said lot of ground from the time there is filed with the auditor a statement made out by the city engineer showing the costs thereof, which liens shall be a prior lien to all other liens upon said property except state taxes; and the city council shall have the same rights and remedies for the enforcement of the said lien as are given by this section for the collection of the assessments therein named.

And whenever it shall become necessary for the public health or sanitary purposes to have graded, paved, or otherwise improved, any alley or court within the corporate limits, the right to which and the use and right of way over which is for the exclusive benefit of the owners of real estate abutting thereon; the said city council shall have power to require the owner or owners of the real estate abutting upon any such alley or court to have the same graded, paved, or otherwise improved; and if after ten days' notice in the manner hereinbefore provided the owner or owners of the real estate abutting upon any such alley or court fail to have the said alley or court graded, paved, or otherwise improved, as may be required by the city council, then the said city council shall have the power to grade, pave, or otherwise improve the said alley or court, and the costs thereof shall constitute a lien and a prior lien against the several lots or parcels of real estate abutting upon the said alley or court to all other liens except state taxes; and the city council shall have the same rights and remedies for the enforcement of the said lien as are given by this section for the collection of the assessments therein named; but before proceeding to enforce the said lien the said city council shall have commissioners appointed to assess the costs of the said improve-

ment in the manner hereinbefore provided, and the same proceedings shall be had in such cases as in the cases hereinbefore provided for in this section, and the lien shall take effect in the same manner as provided for in this section in reference to the assessments therein named.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from and after its passage.

CHAP. 699.—An ACT to amend and re-enact chapter 2 of an act approved March 6, 1890, entitled an act to provide for the assessment of taxes on persons, property, and incomes, and on licenses to transact business, and imposing taxes thereon for the support of the government and public free schools and to pay the interest on the public debt, and prescribing the mode of obtaining licenses to sell wine, ardent spirits, malt liquors, or any mixture thereof, in cases where a court certificate is required, and to repeal section 9 of chapter 2 of this act relating to liquor licenses.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That chapter two of an act approved March sixth, eighteen hundred and ninety, entitled an act to provide for the assessment of taxes on persons, property, and incomes, and on licenses to transact business, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and prescribing the mode of obtaining licenses to sell wine, ardent spirits, malt liquors, or any mixture thereof, in cases where a court certificate is required, and to repeal section nine of chapter two of this act, relating to liquor licenses, be amended and re-enacted so as to read as follows:

§ 1. That no person, corporation, company, firm, partnership, or association shall, within the limits of this state, engage in the business of rectifying or of manufacturing or distilling malt or alcoholic liquors other than wine, or sell, or offer to sell, by sample or representation or otherwise, wine, ardent spirits, malt liquors, or any mixture thereof, alcoholic bitters, bitters containing alcohol, or fruits preserved in ardent spirits, either by wholesale, retail, or to be drunk at the place where sold, or in any other way, without first having obtained license therefor; nor shall the license confer the privilege of selling in either way except in the manner hereinafter provided. And all mixtures, preparations, and liquids (except cider) which will produce intoxication shall be deemed ardent spirits within the meaning of this section. A license to sell by wholesale shall only include the privilege to sell in quantities of five gallons or more, except that wholesale dealers in malt liquors may have the privilege of selling by bottles and jugs in quantities of not less than one dozen. A license to sell by retail shall include only the privilege of selling in quantities not exceeding five gallons at any time to any individual

which shall include both the privilege of selling to be delivered to the purchaser in bottles, jugs, demijohns, or other vessels, and the privilege of being drank at the place where sold. A license to keep an ordinary shall contain all rights and privileges of a retail liquor dealer. A license to keep a malt liquor saloon under which no malt liquors nor any mixture thereof shall be sold to be taken away from the place of delivery but shall be drunk there. Any person desiring to carry on the business of a wholesale liquor dealer, and also that of a retail liquor merchant, shall obtain a separate license for each, and comply with all the provisions of this act in relation to both privileges. A violation of the provisions of this section shall be deemed a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, and in the discretion of the court by imprisonment not exceeding twelve months; provided that nothing in this section shall prevent wholesale confectioners from selling fruits preserved in ardent spirits.

§ 2. Licenses required by the preceding section shall be obtained in accordance with the provisions of section five hundred and thirty-five of the code of Virginia, or of an act entitled an act to prescribe the mode of applying for and obtaining a license (other than a license for which the certificate of a court is required by law before it is granted), the tax on which but for this act would be fifty dollars or more were it issued for the period of one year, as the case may be, except those required in the following classes of cases:

Class I. License to sell by retail, or a malt liquor saloon, or an ordinary.

Class II. License to sell wine, ardent spirits, malt liquor or any mixture thereof, by retail, upon any steamboat, canal boat, ship, barge or other vessel, at any wharf or landing, or upon any river, creek, sound or any of the other waters of this commonwealth (other than vessels regularly engaged in plying the waters of the Atlantic ocean).

Class III. License to sample liquor merchants.

The first class can only be granted on the certificate of the county or corporation or hustings court of the county or city where the business for such license is required is proposed to be conducted.

The second class can only be obtained on the certificate of the county, corporation or hustings court of some county or city within the limits and jurisdiction of which such steamboat, canal boat, ship, barge or other vessel usually plies or is usually stationed.

The third class can only be obtained on the certificate of the corporation or hustings court of some city of the state, but when so obtained the license shall carry the privilege of selling anywhere in the state—the clerk of the court granting this certificate to certify to the genuineness of the license under the seal of the court.

§ 3. Any person, firm, company, corporation, partnership or association desiring to obtain a license such as is required in any of the three classes of cases specified in the preceding section shall make a written application therefor to a commissioner of the revenue of the county or city from the county or corporation or hustings court of which a certificate is required. Such application shall state the name of the ap-

plicant, the residence of the applicant, the nature of the business for which the license is desired, the place where it is proposed to be prosecuted, and the amount required by law to be paid for the privilege of such license. Upon such application shall be endorsed the certificate of the treasurer of such county or city that the amount so required has been deposited with him by the applicant in gold or silver coin, United States treasury notes or national bank notes, and such certificate shall also state whether or not coupons purporting to be cut from bonds of this state were tendered to the treasurer by the applicant at the time of deposit aforesaid and accepted by him for identification and verification, according to law or according to the facts there shall be endorsed upon such application the certificate of the treasurer that coupons were tendered to him for the whole or any part of the amount so required, and that such coupons (specifying the amount thereof) have been duly verified, and if tendered for part only that the balance of the amount so required has been deposited with him in gold or silver coin, United States treasury notes or national bank notes.

§ 4. Upon the receipt of such application, with the treasurer's certificate so endorsed upon it, the commissioner of the revenue, if he be a commissioner in a city in which there is a board of commissioners of excise, shall make and sign the following endorsement thereon:

Referred to the board of commissioners of excise of the city of _____.

Otherwise he shall make and sign the following endorsement thereon:

Referred to the county court of _____ county; or

Referred to the corporation or hustings court of the city of _____, as the case may be. The action of the board of commissioners of excise upon such application shall be as provided in sections five and six of an act entitled an act to establish boards of commissioners of excise and to define their duties and powers, approved February _____, eighteen hundred and ninety. Pending the consideration of this application by the board the applicant shall not, without license, pursue the business for which said license is desired.

§ 5. When such application has been endorsed by the commissioner of the revenue "referred to the county court of _____ county," or "referred to the corporation or hustings court of the city of _____," as the case may be, or when such application has been endorsed by the commissioner of the revenue "referred to the board of excise commissioners of the city of _____," and been further endorsed "approved" by the said board, the applicant shall present the application so endorsed to the county, corporation, or hustings court whose certificate is required; and said court shall thereupon hear such evidence as may be introduced for or against the application, and hear and determine the question of granting the same. It shall be lawful for any person who may consider that he or they would be aggrieved by the granting of such license to have himself or themselves entered and made a party defendant to said application and to defend and contest the same. If the court be fully satisfied, upon

the hearing of the testimony for and against the application, that the applicant is a fit person to conduct such business and that he will keep an orderly house, and that the place at which it is to be conducted is a suitable, convenient, and appropriate place for conducting such a business the court may, upon the execution by the applicant of a bond in a penalty of not less than two hundred and fifty dollars nor more than five hundred dollars, with good security, conditioned for faithful compliance with all the requirements of this act, grant such license; and thereupon the commissioner of the revenue shall issue the same in such form as may be prescribed by the auditor of public accounts. Either party to such application shall have the right to appeal from the order of judgment of the court granting or refusing such application during the term at which the application is heard and decided to the circuit court of said county or corporation. The judge of such circuit court shall take cognizance of such appeal, and may hear the same either in term time or vacation, and may grant the license upon the terms prescribed in chapter two of this act or may refuse the same, and the decision of such circuit court, or of the judge thereof in vacation, shall be final, and no appeal, writ, or error or supersedeas shall lie thereto. The party to any such proceeding who shall substantially prevail shall, in cases where such applications are contested be entitled to recover their costs from the opposite parties, as in other civil cases. All bonds taken under chapter two of this act shall contain the waiver of the homestead exemption of the obligors therein. In cases where the board of commissioners of excise return to the applicant his application disapproved, or in case an application be finally refused by the court, the applicant shall have refunded to him by the treasurer or other collecting officer the amount of money deposited by him or the coupons tendered and verified by him; and where, at the time of deposit of money by the applicant, papers purporting to be coupons were also tendered and accepted for identification and verification, such papers shall also be returned to the applicant when the application is disapproved by said board or finally refused by the court.

§ 6. So soon as licenses shall be granted under chapter two of this act, it shall be the duty of the commissioner of the revenue certifying the same to make return thereof to the treasurer or other collecting officer of the city or county and to the auditor of public accounts; and it shall be the duty of such treasurer or other collecting officer, immediately upon such license being granted, to place the amount of any such deposit as may have been made with him under chapter two of this act to the credit of the commonwealth, and within twenty days thereafter to pay the same over to the auditor of public accounts.

§ 7. The amount to be paid for a license for the privilege of selling by wholesale wine, ardent spirits, malt liquors, or any mixture of any of them, shall be three hundred and fifty dollars: provided, however, that if any wholesale dealer shall desire the privilege of selling malt liquors only the specific amount to be paid by him for the privilege shall be one hundred and fifty dollars.

§ 8. The specific sum which shall be paid for the privilege of selling by retail wine, ardent spirits, malt liquors, or any mixture of any of them shall be in the country or in towns or villages of one thousand inhabitants or less, or upon any vessel, one hundred dollars, or in cities or towns or villages exceeding one thousand inhabitants, two hundred dollars, except that where a person sells under malt license malt liquors only, in the country or in towns under five thousand inhabitants, he shall be required to pay the specific sum of forty dollars for such privilege.

§ 10. The specific sum which shall be paid for the privilege of keeping an ordinary, which privilege shall include the privilege of selling wine, ardent spirits, and malt liquors in such ordinary, to be drunk where sold, and shall include the privilege of selling the same, or any mixture of any of them, by retail not to be drunk where sold, shall read as follows: In the country or in towns having a population of two thousand or less, there shall be paid the sum of one hundred dollars; and in towns or cities having a population of two thousand or more, there shall be paid two hundred dollars for this privilege; and in either case there shall be paid for this privilege an additional sum equal to eight per centum of the annual rent or rental value of the house and furniture used for the purposes of said ordinary up to one thousand dollars of such annual rent or value; and on the annual rent or rental value in excess of one thousand and under two thousand dollars, five per centum of such rental value, and three per centum of such annual value from two thousand dollars and upwards, to be ascertained as provided in the next section.

§ 11. Any person who shall for compensation furnish lodging and diet to travellers, sojourners or boarders in his house, or provender for a horse feeding in his stable or on his land (except a drove of live stock and persons attending it), and sell by retail wine, spirituous or malt liquors, or any mixture of them, shall be deemed to keep an ordinary, and shall constantly provide the same with lodgings and diet for travellers, and, unless it be dispensed with by the court, with stabling and provender or pasturage and provender for their horses; the amount to be required to be paid for the privilege of keeping an ordinary to be determined by the actual rent of the house and furniture, and may exceed such rent, and if it is not rental property the commissioner shall determine the amount to be paid by what the probable rent would be, and the commissioner may require the proprietor or tenant to state on oath what is the amount of such rent, or what would be a fair rent therefor. And if the said proprietor or tenant refuse to state the same when so required, he shall pay a fine of five hundred dollars. Any person who shall keep an ordinary without a license shall pay a fine of not less than thirty dollars nor more than one hundred dollars for each day he may continue the same, but where the ordinary shall be kept open for but part of the year, the tax shall be apportioned according to the time it is kept open.

§ 12. Any licensed wholesale liquor dealer may also obtain a license as a retail liquor dealer upon the payment therefor of one-

half the amount required in section four of chapter two of this act, and shall comply with all the provisions of chapter two of this act.

§ 13. The amount which each keeper of a malt liquor saloon shall be required to deposit and pay for such privilege shall be forty dollars in the country or in towns of one thousand inhabitants or less, and sixty dollars in cities and towns having over one thousand inhabitants.

§ 14. The bond taken of any licensed dealer under the second section of chapter two of this act shall be deemed forfeited by his failure to pay any part of the amount required of him by chapter two of this act, and any portion as to which there is such failure of payment may be recovered of him and his surieties by motion or suit in any court having jurisdiction, and may moreover be collected by the treasurer in the manner that taxes are collected, and in the discretion of the court his license forfeited.

§ 15. The amount required by chapter two of this act to be paid for the licenses herein specified shall be in lieu of all taxes upon the capital actually employed in any of the branches of business specified in the first section of chapter two of this act except manufacturers, distillers, and rectifiers.

§ 16. The specified amount which each rectifier shall be required to pay for the privilege of carrying on his business shall be one hundred and fifty dollars, except that a manufacturer of ardent spirits may rectify spirits of his own manufacture without paying any additional sum for such privilege. Each rectifier who shall desire to sell, by wholesale or retail, spirits so rectified by him shall be assessed with and pay for such privilege the same amount which is required to be paid by other wholesale and retail dealers in ardent spirits.

§ 17. Any druggist who desires to sell wine, ardent spirits, or malt liquors, or any mixture thereof, or alcoholic bitters, shall be required before he does so, to take out a retail liquor dealer's license, and he shall in all respects be deemed a retail liquor dealer and be subject to the requirements of this law; provided the provisions of chapter two of this act shall not apply to liquor used by any druggist in the preparation of medicine. And no alcoholic bitters, whether the same may have been manufactured in this state or elsewhere, shall be sold in this state by any person who has not obtained a license under chapter two of this act to sell wine, ardent spirits, malt liquors, or any mixture thereof. And any person violating this provision shall be liable in all respects to the same penalties which are imposed by chapter two of this act for selling wine, ardent spirits, malt liquors, or any mixture thereof, without a license therefor.

§ 18. Every person licensed as a manufacturer or distiller of alcoholic liquors shall pay for said privilege, at the time his license is granted, a specific sum therefor, to be graduated and classified as follows: The manufacturer who shall mash and distill ten bushels or less per day, thirty dollars; ten bushels and less than twenty per day, fifty dollars; twenty bushels and less than thirty per day, seventy-five dollars; thirty bushels and less than thirty-five per day, one hundred and twenty-five dollars; forty-five bushels and less than seventy-five per day, two hundred dollars; seventy-five bushels

and less than one hundred per day, two hundred and fifty dollars; one hundred bushels and less than one hundred and fifty per day, three hundred dollars; one hundred and fifty bushels and less than two hundred per day, four hundred dollars; two hundred bushels and less than two hundred and fifty per day, four hundred and fifty dollars; two hundred and fifty bushels and less than three hundred per day, five hundred dollars; and on each one hundred bushels per day in excess of three hundred, at the rate of two hundred dollars for each one hundred bushels so mashed per day. The above specific sums shall be paid before commencing his operations, and on the payment of such specific sum the manufacturer shall have the privilege of selling the liquors actually manufactured by him in quantities of not less than one gallon at the house where the same is manufactured. The manufacturer of alcoholic liquors by direct fermentation and distillation from pomage or from cider or fruits, when the quantity of brandy shall not exceed forty gallons, shall not be required to pay anything for such privilege; when the quantity exceeds forty gallons, and the distillery is run less than three months, the distiller of brandy shall pay a specific sum of ten dollars, but if the distillery is run more than three months and less than six, the specific amount to be paid for the privilege shall be twenty dollars, and if run for six months or more, there shall be paid for the privilege fifty dollars. It shall be the duty of every licensed distiller who manufactures brandy from fruit to furnish the commissioner of revenue a copy of the returns made by him to the internal revenue assessor of the United States, and the commissioner of the revenue shall require said licensed distiller to make affidavit to the correctness of such return. On payment of the above sum the distiller of brandy shall have similar privileges in regard to the sale of brandy manufactured by him to those granted to distillers of whiskey. For the privilege of manufacturing malt liquors there shall be paid fifty dollars, and upon the payment of such specific sum the manufacturer shall have the privilege of selling the products of his brewing in quantities in excess of five gallons at any place within the state of Virginia; and the said manufacturer may have the additional privilege of selling the products of his brewing in quantities not less than one gallon at the place of manufacture; provided that any resident manufacturer of wine may have the privilege of selling wine of his own manufacture in quantities not less than one gallon without paying the license tax or percentage provided by chapter two of this act.

§ 19. The auditor of public accounts shall prescribe a form for licenses for manufacturers of liquor, wholesale liquor dealers, retail liquor dealers, and all other persons licensed to sell liquor by the drink to be drunk at the place where sold, spirituous or malt liquor, wine, or any mixture thereof, which said licenses shall have printed on them in plain letters, at least one inch in length, in words and figures, the year when issued, the month when it begins and expires, and also the class of licenses, whether wholesale liquor dealer, wholesale and retail liquor dealer, or retail liquor dealer. Every person obtaining any such license shall post the same in a conspicuous place in his

office, if a wholesale liquor dealer; and if a retail liquor dealer or malt liquor saloon keeper shall post the same in the most conspicuous place about his bar or place of retailing, and shall expose the same to common observation; and any person failing to keep such license so conspicuously posted shall on conviction be fined not exceeding one hundred dollars.

§ 20. It shall be the duty of the judge of the circuit, county, or corporation courts to give this act, and particularly the provisions thereof in reference to the sale of ardent spirits, wine, malt liquors, or any mixture thereof, in charge to the grand jury at every regular grand jury term of their respective courts, and to send before the grand jury the constables and the commissioner of the revenue, with the view of ascertaining whether any person in their districts is engaged in the sale of liquors without a license as prescribed in chapter two of this act.

§ 21. No person shall sell wine, ardent spirits, or malt liquors, or any mixture thereof, by retail upon any steamboat, canal-boat, ship, barge or other vessel at any wharf or landing, or upon any river, creek, sound, or any of the other waters of this commonwealth, without first having obtained a license therefor in accordance with chapter two of this act; provided that the amount required to be paid for such privilege to be exercised upon any such vessel shall be the lowest specific sum required in each case by the provisions of chapter two of this act to be paid for such privilege; and provided, further, that the provisions of chapter two of this act shall not apply to any steamship or steamboat which is regularly engaged in plying the waters of the Atlantic ocean.

§ 22. The provisions of chapter two of this act shall not be construed to repeal or in any wise change the provisions of any local option law, or the provisions of the charter of any town or city in the state touching the granting of licenses, except that in any county of this commonwealth where local option prevails it shall be lawful for a druggist to sell wine, ardent or spirituous liquors for medical purposes only upon the prescription of any regularly licensed practicing physician; provided, however, he shall take out the license required by section sixteen of chapter two of this act.

§ 23. Any person violating any of the provisions of or failing to comply with any of the requirements of chapter two of this act shall, unless when otherwise provided herein, be deemed guilty of a misdemeanor and be fined not less than fifty dollars nor more than one hundred dollars for each offence, and in addition he may, in the discretion of the jury, be imprisoned not more than sixty days.

§ 24. Any person who shall sell or offer to sell wine, ardent spirits, malt liquors, cider, or any mixture of any of them, by sample or other representation, or any agent for the sale or collection of orders for wine, ardent spirits, malt liquors, cider, or any mixture of any of them by sample or description shall be deemed to be a sample liquor merchant. A sample liquor merchant's license shall be a personal privilege, and shall not be transferable, nor shall any abatement of the sum required to be paid be allowed. Any person, firm, or corporation who shall sell or offer to sell in violation of this sec-

tion, shall pay a fine of five hundred dollars for the first offence and six hundred dollars for each succeeding offence, the informer to receive one-half of the fine so collected. No person, firm, or corporation licensed under this section shall be authorized to sell except to some person, firm, club, or corporation licensed under some section of this chapter.

§ 25. The amount to be paid for the privilege of doing business as a sample liquor merchant shall be three hundred and fifty dollars, and no person, firm, or corporation shall permit any person except a duly authorized agent or salesman to sell under their license otherwise than for their exclusive use and benefit. No agent or salesman shall be permitted to sell, or offer to sell, as aforesaid except he have with him at the time the license granted to the person, firm, or corporation for whom he acts, which license shall state the name of the person, firm, or corporation to whom the license was granted and the name of the agent or salesman using the same, and also a duly executed power of attorney constituting him such agent or salesman, which license and power of attorney shall be exhibited whenever required by any officer of the law or private citizen. For every agent or salesman employed to sell as aforesaid there shall be paid three hundred and fifty dollars. Sales of wine, ardent spirits, malt liquors, cider or any mixture of any of them, by sample shall be limited to sales by wholesale. Nothing in this or the preceding section shall be construed to require any licensed wholesale liquor dealer who has paid his license as such (an amount of not less than three hundred and fifty dollars) to pay an additional amount for selling or offering to sell by sample either by himself or agents; provided that every such agent shall first apply to the court of some city for the certificate hereinbefore required. No person, firm, or corporation shall hire their license or allow the use of the same to any other person, firm, or corporation; and any person, firm, or corporation who shall so hire or allow the use of such license to any other person, firm, or corporation, shall forfeit such license; and the person, firm, or corporation using such license shall pay a fine of three hundred and fifty dollars for each offence; provided that this and the last preceding section shall not apply to any person licensed as a manufacturer under section fourteen of this chapter.

2. This act shall be in force from its passage.

CHAP. 700.—An ACT to amend and re-enact an act entitled an act to provide for a method of voting by ballot, approved March 6, 1894.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to provide for a method of voting by ballot, approved March sixth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

2. That every elector shall vote by ballot.

3. Each person offering to vote shall deliver a single ballot to one of the judges of election in the presence of at least one of the other two judges.

4. The ballot shall be a white paper ticket, containing the names of the persons who have complied with the provisions of this act as hereinafter provided, and the title of the office printed or written as hereinafter provided. None other shall be a legal ballot except as hereinafter provided.

5. Any person who intends to be a candidate for any office, state or national, to be elected by the electors of the state at large or of a congressional district shall at least twenty days before such election notify the secretary of the commonwealth in writing, attested by two witnesses, of such intention, designating the office for which he is a candidate. Such written notice shall be signed by the said candidate, but if he be incapable of writing his proper signature, then some mark adopted by him as his signature shall be acknowledged before a justice of the peace or other officer authorized to take acknowledgments to deeds and in the same manner. Any person who intends to be a candidate for any office not embraced in the foregoing at any election shall give notice at least twenty days before such election to the clerk or clerks of the county or hustings courts of the various county or counties or the city or cities whose electors vote for the candidate for such office. No person not announcing his candidacy as provided for above shall have his name printed on the ballots provided for such election. On receipt of the foregoing notice it shall be the duty of the secretary of the commonwealth or the said clerk or clerks to immediately notify the secretary of each electoral board of each county or city of the state or of said congressional district.

6. It shall be the duty of the electoral boards of the several counties and cities within the state, within ten days preceding each election, to cause to be printed a number of ballots equal to twice the entire registered vote of the said county or city: provided, however, that in a magisterial district or wards of a city only the names of the candidates to be voted for in said district or ward shall be placed on said ballots. These ballots shall contain the names of all candidates complying with the provisions as above required, printed in black ink, immediately below the office for which they have so announced their candidacy, and the names on said ballot shall be printed in the same order and each name in separate line, and the type used in printing said ballots shall be plain Roman type not smaller than the type known as pica.

7. The printer with whom the board shall contract for the printing of the said ballots shall, before the work is commenced, take an oath before the secretary of said board, who is hereby empowered to administer said oath, to the following effect: I, ———, solemnly swear that I will print (here insert number) ballots according to the instruction of the electoral board of the county (or city) of ———; that I will print and permit to be printed, directly or indirectly, no more than the above number; that I will at once destroy all imper-

fect and perfect impressions other than those required to be delivered to the electoral board; that as soon as said number of ballots is printed I will distribute the type used for said work; and, finally, that I will not communicate to any one whomsoever, in any manner whatsoever, the size, style, or contents of said ballots.

This oath shall be reduced to writing and signed by the person taking it, and also a similar affidavit shall be required of any employee or other person engaged upon said work, or who shall have access to it; and any intentional violation of said oath shall constitute the crime of perjury. It shall be the duty of said board to designate one of their number to be continuously present in the room in which the said ballots are printed from the commencement until the end of said work, and see that the undertakings of said oath are strictly complied with. For the faithful discharge of said duty he shall receive the compensation of two dollars. As soon as said ballots are printed they shall be securely wrapped and sealed, and such member of the electoral board shall take them into his exclusive possession, allowing no one to examine them; nor shall such member communicate to any one any information as to the size, style, or contents of said ballots. He shall continue in such exclusive possession until he delivers said ballots to the electoral board as hereinafter provided. Any violation of the provision of this section, for which no punishment has been otherwise provided, shall be deemed a misdemeanor and punished by a fine of two hundred dollars and imprisonment for one month in jail.

8. And in elections for president and vice-president of the United States the names of electors selected by the different political parties, together with the names of the candidates for whom they are expected to vote in the electoral college, shall be furnished to the secretary of the commonwealth by any person or persons representing said parties at least thirty days before any election for the said electors of president and vice-president of the United States, and thereupon it shall be the duty of the secretary of the commonwealth to immediately notify the secretary of each electoral board of each county or city of the state; and it shall then become the duty of the electoral boards of the several counties and cities within the state, within twenty days preceeding such election, to cause to be printed on the official ballot provided for in this act the name of each candidate for president and vice-president, and group under the names of the candidates for president and vice-president of each political party the names of the electors nominated by the political party of such candidates; and the qualified voters at said election shall designate their preference for any candidates for president and vice-president by scratching the names of the other candidates for president and vice-president, as is provided in section twelve of this act, and the ballots shall be counted as they would be counted if the names of the electors had been scratched.

9. It shall be the duty of the electoral board, as soon as possible after the passage of this act, to procure and adopt a seal, which may be changed from time to time in the discretion of said board, which said seal shall not be less than two inches in diameter. Said board

shall meet as soon as convenient after the printing of the ballots as provided in the preceding section, of which meeting the judge of the county or corporation court shall be notified, and at which there shall be present the said judge and the members of the said board, but no other persons. And said judge shall thereupon enter of record upon the minutes of the electoral board an affidavit stating that said ballots were counted and sealed in his presence in the manner prescribed by law. And in the event of the inability, through sickness or other incapacity, of the said judge to discharge any of the duties imposed by this act, it shall be lawful for the said duties to be performed by the judge of some other county or corporation. At this meeting the member of the board who shall have secured from the printer the ballots as required by section six shall deliver said ballots to said board. The ballots shall then be carefully counted by said boards and the number thereof entered by the secretary of the board in a book provided by him and kept for such purpose. The board shall affix its seal to every ballot printed as above provided upon the side reverse from that upon which the names of the candidates appear. Of the said ballots they shall make as many packages as there are voting precincts in said county or city, one for each precinct, which package shall contain twice as many official ballots as there are voters registered at the precinct for which it is intended. Each of these packages shall be securely sealed so that the ballots shall be invisible, and so that they could not be readily opened without detection. Upon each of said packages shall be endorsed the name of the precinct for which it is intended, and the number of ballots therein contained. The packages designed for the various precincts shall remain in the exclusive possession of the secretary of the board until delivered by him to the judges or one of the judges of elections of the several precincts as hereinafter provided. The secretary of said electoral board shall keep in his sole custody the seal or stamp of said board and in a sealed package, to be opened only in the presence of the electoral board and the judge of the county or corporation court when in the discharge of their duties as prescribed in this section.

10. Before every election the secretary of the electoral board shall deliver to the judges, or one of the judges of election, the package of official ballots for that precinct, taking a receipt therefor and a certificate that the seals appeared to be untampered with. And in the event of the inability by sickness or other incapacity of said secretary to deliver said official ballots as herein provided, the said electoral board or the said secretary may cause them to be delivered by another member of said board. Said sealed package, at the opening of the poll, shall be opened in the presence of the clerks and judges of elections, and the ballots in said package shall then be carefully counted. All ballots remaining unused at the close of the polls shall be carefully destroyed before the box is opened. Any person wilfully and corruptly failing to perform the duties required of him, or intentionally violating any of the provisions of this section, or opening any sealed package of official ballots, except as specially provided for herein, shall be deemed guilty of a misdemeanor and be

punished with a fine of two hundred dollars and imprisonment one month in jail.

11. It shall be the duty of the electoral board of the several counties and cities to provide at each of the voting places in their respective counties and cities a small compartment or booth large enough to contain and conceal from general observation a voter, and a desk or other convenience for writing. In said booth there shall be placed pen and ink. Said compartment or booth shall be so erected that a person standing at said desk in said booth or compartment shall be wholly excluded from the observation of the clerks, judges of elections, and other persons. The said board, in its discretion, may have one or more of said booths at said voting places.

12. Except as hereinafter provided for, save the judges of election and clerks, no person other than the elector offering to vote shall be within forty feet of the ballot box. The judges of election shall promptly decide any dispute as to precedence of electors to the right to vote, deciding who first offered, or if two or more offered at the same time selecting the one to whom precedence shall be given; but in case of a challenge the challengers and challenged and the witnesses may appear before the judges; when such challenge is decided, only the elector having the right to vote shall remain within the prescribed limits.

13. Every elector qualified to vote at a precinct shall, when he so demands, be furnished with an official ballot by one of the judges of election selected for that duty by a majority of the judges present. The said elector shall then take the said official ballot and retire to said voting booth. He shall then draw a line with a pen or pencil through the names of the candidates he does not wish to vote for, leaving the name or names of the candidates he does wish to vote for unscratched. No name shall be considered scratched unless the pen or pencil mark extend through three-fourths of the length of said name; and no ballot save an official ballot above provided for shall be counted for any person. When, as to any office, more than one name remains unscratched the ballot for that particular office shall be void, but the ballot as to any other office for which only one name remains unscratched shall be valid. He shall fold said ballot with the names of the candidates on the inside and hand the same to the judge of election, who shall place the same in the ballot box without any inspection further than to assure himself that the ballot is a genuine ballot, for which purpose he may, without looking at the printed inside of said ballot, inspect the official seal upon the back thereof: provided, it shall be lawful for any voter to erase any or all names printed upon said official ballot and substitute therein in writing the name of any person or persons for any office for which he may desire to vote.

14. It shall be unlawful for any elector to carry the official ballot furnished him by the judge of election further than the voting booth or make any copy thereof, and should he, after inspecting said ballot, conclude not to vote, he must immediately return said ballot to the judges of election. Except as hereinafter provided, no person shall advise, counsel, or assist any elector, by writing, word, or gesture, as to

how he shall vote or mark his ballot after the same has been delivered to him by the judges of election. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than one thousand dollars and confined in jail six months. To carry any official ballot or copy thereof beyond the voting booth or away from said booth, except to the judges of election, or to vote any ballot except such as shall be received by the elector from the judge of election, shall be a misdemeanor punishable by a fine of one hundred dollars; and it shall be the duty of the judges of election, to cause, by verbal order or warrant, the instant arrest of any person making such attempt, and he shall be required to vote or surrender said ballot, and he may be confined in jail by the order of said judge of election until he obeys said requirements, not exceeding ten days.

15. No elector shall be allowed by the judges of election to remain in said voting booth provided in this act more than two and one-half minutes to the obstruction of other electors desiring to vote. Said judges of election shall cause any elector attempting to occupy said voting booth for a longer time to retire and surrender his ballot, and he shall not again be allowed to receive an official ballot unless in the discretion of the judges of election another opportunity to vote will not delay or hinder other electors.

16. Should any ballot be unintentionally or accidentally defaced, or in any way rendered unfit for voting by such elector, he shall deliver such defaced ballot to the judges of election and receive another, upon taking an oath that the defacement of the ballot first delivered to him was not done for the purpose of defacing said official ballot. Any person swearing falsely to such fact shall be deemed guilty of perjury.

17. The judges of election, or a majority of them, shall appoint and designate one of their number, whose duty it shall be, at the request of any elector who may be physically or educationally unable to prepare his ballot, to enter the booth with said elector and render him assistance in preparing his ballot by reading the names and offices to be voted for on the ballot and pointing out which name or names the said elector may wish to strike out, or otherwise aid him in preparing his ballot. In case said elector be blind, said judge of election so appointed and designated as aforesaid shall prepare said ballot for said elector in accordance with his instructions; but the said judge shall not enter the booth with the voter unless requested by him, and shall not in any manner divulge or indicate, by signs or otherwise, the name or names of the person or persons for whom any elector shall vote. The said judges, or a majority or them, shall have power from time to time, when and as often as they may see proper, to change the appointment and designation of the judge who shall discharge the duties prescribed by this act and designate another judge in his place and stead to perform the same. And for a corrupt violation or any of the provisions of this section the person so violating the same shall be deemed guilty of a misdemeanor

and be confined in jail not less than one nor more than twelve months.

18. It shall not be lawful upon the day of election for persons to congregate and crowd upon the public highway within one hundred feet of any of the voting places, and any persons violating the provisions of this section shall, upon conviction thereof, pay a fine of twenty-five dollars or be confined in jail not exceeding ten days. Any member of the electoral board, the printer who shall print the official ballots, provided for by this act, any judge of election, or any person who shall give or sell to any person whosoever, except where it is distinctly provided by this act, any official ballot or copy, or any fac simile of the same, or any information about the same, or shall counterfeit or attempt to counterfeit the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined five hundred dollars and imprisoned in jail six months. It shall be the duty of the judges of election to see that the provisions of this act are strictly carried out.

19. The provisions of this act shall apply to all elections held in this state except as hereinafter provided; and where the election is held in an incorporated town for town officers it shall be the duty of all persons who intend to be candidates for office in said town to give notice of said candidacy to the clerk of the county court of the county in which said town is, as provided by the fourth section of this act; and said clerk shall notify the electoral board, and the tickets shall be printed and delivered and the election held and conducted in the manner provided by this act; and where the election is to be held to ascertain the sense of the qualified voters of this state, or of any county, city, town, or district of any county, upon any question submitted to them by law, it shall be the duty of the electoral boards of the county or city, or of the county in which said town or district is, as the case may be, to have the words printed upon the tickets directed by the law submitting said question; but in all other respects said elections shall conform to the provisions of this act.

20. In any county or corporation where no political party nominates candidates for county or corporation offices the above provisions of this act shall not apply; but in such case every elector shall vote by ballot which he himself shall provide, and each person offering to vote shall deliver a single ballot to one of the judges in the presence of the other two judges. The ballot shall be a white paper ticket and containing on the face or inside of it, written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and designating the office to which each person so named is intended by him to be chosen. The judges to whom any ballot is delivered shall, upon receipt thereof, pronounce with an audible voice the name of the person from whom the ballot is received, and if the name of the person is found upon the registration-book and there be no objection made, the said judges shall, without opening said ballot or permitting the same to be examined, except to ascertain whether it is a single ballot, deposit the same in the ballot-box; whereupon the name of the elector shall be checked on the registration-book by one of the judges

and entered by the clerks of election on the poll-books and correctly numbered in accordance with the number of electors theretofore recorded.

21. Any violation of this act, for which no punishment has been otherwise provided, shall be deemed a misdemeanor, and punished by a fine not exceeding one hundred dollars and imprisonment in the county jail not exceeding one month.

22. The cost of conducting an election under this act shall be paid by the supervisors out of the cost of the general county levy, and in cities by the council thereof.

23. All acts or parts of acts in conflict with this act, or any section thereof, are hereby repealed.

24. This act shall be in force from its passage.

CHAP. 701.—An ACT to amend and re-enact section 31 of an act entitled an act to provide a new charter for the town of Pocahontas.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-one of an act entitled an act to provide a new charter for the town of Pocahontas, approved February twenty-fourth, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

§ 31. All acts and parts of acts inconsistent with this act are hereby repealed.

2. This act shall be in force from its passage.

CHAP. 702.—An ACT to provide for the reorganization of the institution for the deaf and dumb and the blind, and to repeal chapter 74 of the code of Virginia, and to repeal chapter 226 of the acts of assembly, entitled "an act to regulate the appointment of the board of directors of the deaf, dumb and blind institute at Staunton, Virginia," approved May 14, 1887.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That chapter seventy-four of the code of Virginia, entitled the institution for the deaf and dumb and the blind, and chapter two hundred and twenty-six of the acts of assembly, entitled "an act to regulate the appointment of the board of directors of the deaf, dumb and blind institute at Staunton, Virginia," be, and the same are hereby, repealed.

2. The institution established for the education of the deaf and dumb and of the blind, by act of the thirty-first day of March, eighteen hundred and thirty-eight, shall be continued, and the visitors thereof shall be a corporation by the name of the institution for the deaf and dumb and of the blind, and be vested with all the

rights and powers now vested in the corporation created by the said act and be subject to the control of the general assembly.

3. The present board of visitors of the institution for the deaf and dumb and the blind are removed on the fifteenth day of March, eighteen hundred and ninety-six, and the governor of Virginia, with the advice and consent of the senate, shall appoint six persons as visitors of the said institution, who, together with the superintendent of public instruction of the state, shall constitute the board of visitors for the government of the said institution. The terms of office of said visitors shall commence on the fifteenth day of March, eighteen hundred and ninety-six, and hold as follows:

Under the first appointment under this act two visitors shall hold for one year, two for two years, and two for three years, and all succeeding appointments shall be for three years. If any vacancy occur in the board of visitors during their term it shall be filled by the governor for the unexpired term by appointment, which shall be subject to ratification or rejection by the senate at the next session of the general assembly.

4. The board shall appoint one of the visitors as their president, and in case of his absence, a president pro tempore. The board shall appoint a secretary, who shall keep an accurate record of the proceedings of the board and of the executive committee of said board, should one be created by said board.

5. The board shall be charged with the erection, preservation and repair of the buildings of the institution and the care of its property. It shall direct and do or cause to be done by officers, professors, agents and employees appointed by said board of visitors all things necessary or expedient for promoting the objects of the institution not inconsistent with law.

The board shall provide rules and regulations for the government of said institution, setting forth in said rules and regulations the duties of all the officers, professors, agents and employees, and said rules and regulations to be posted at various places in the institution and on the premises.

6. The board shall have one annual meeting and such intermediate meetings as they shall prescribe, the time and place of meeting to be fixed by said board. A special meeting may be called at any time by the president, or any three members of the board, notice of the time and place of such meeting being given to the other members.

7. The superintendent, professors, and all other officers of the institution, shall be elected on the ——— day of June, eighteen hundred and ninety-six, and every two years thereafter, by the board of visitors, and shall be selected with reference to fitness, sobriety, literary and business qualifications, without regard to party affiliations. The board of visitors may remove, at any time, the superintendent, professors, and all other officers of the institution, causing to be entered upon the record of the board the order of removal, together with the cause of the removal.

8. Each fiscal year of said institution shall end on the thirtieth day of September to which time the accounts of the institution shall be made up; and the board of visitors shall annually, before the first

day of October, deliver to the second auditor a report to the general assembly of Virginia, showing the condition of the institution and its receipts and disbursement for the said year. The board shall also make reports as required by section two hundred and twenty-one of the code of Virginia.

9. There shall be in said institution one school for the education of deaf mutes, and another school for the education of the blind. These schools must be separate and distinct. The pupils of each school shall be selected, as the board of visitors may prescribe, among such persons as are unable to pay for maintenance and support to the extent of the means of the institution, and also from other persons, residents of this state, on such terms for their maintenance and support as may be agreed upon. But hereafter there shall be no charge for the education of pupils.

10. For the support of said institution there shall be paid out of the public treasury, on the orders of the board of visitors, attested by the secretary and countersigned by the president of the board, such sums as may from time to time be appropriated by the general assembly of Virginia.

11. All acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

12. This act shall be in force from its passage.

CHAP. 708.—An ACT to appropriate money for the purpose of needed improvements around the Lee monument, in the city of Richmond, on the property of the state of Virginia.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the sum of five hundred dollars be, and the same is hereby, appropriated out of any moneys in the treasury of Virginia, not otherwise appropriated, to make a granolithic curbing and grass mound around the base of the Lee monument, in the city of Richmond, and to clean the said monument.

2. That the sum hereby appropriated be expended under the direction of the governor.

3. That this act shall be in force from its passage.

CHAP. 704.—A RESOLUTION to appoint a committee to investigate and report upon a certain survey made under an act approved February 26, 1894, with reference to the riparian rights on Fox island, in Accomac county.

Approved March 4, 1896.

Whereas William Ellinger, of Accomac county, in accordance with an act of the general assembly of Virginia, entitled "an act to define and establish by straight lines the low-water-mark lines for the riparian owner of the shores of Fox island or Fox islands, in the county of Accomac, in the state of Virginia," approved February twenty-six, eighteen hundred and ninety-four, did apply to the fish commissioner to establish such lines; and

Whereas a survey was made and lines established, by which it does not appear that the aforesaid act has been properly complied with according to its true intent and meaning, or with due and proper observance of the interests of the state:

Resolved, That a joint committee of the general assembly, to be composed of two from the senate and two from the house of delegates, to be designated by the respective presiding officers, be hereby constituted to investigate into the facts pertaining to said survey and the establishing of the lines aforesaid, and to report as to what further action should be taken in the premises, and pending the next session of the general assembly, the attorney-general shall institute proceedings to protect the interests of the commonwealth in the proper court, should said committee report to him that the property rights of the commonwealth are being infringed upon by said Ellinger.

2. This resolution shall be in force from its passage.

CHAP. 705.—An ACT to provide for a method for the better assessment of personal property under the control of fiduciaries and the several courts of the commonwealth.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the circuit judge of each judicial circuit of this state shall, upon the passage of this act, select one of the commissioners in chancery of his court, or appoint an additional commissioner in chancery if he deem it advisable, who shall, for their respective judicial circuits, act as an examiner of records, pending chancery causes and other proceedings of the courts of record in said judicial circuit, who shall hold office as other commissioners in chancery of said courts, and discharge the duties hereinafter specified, as well as his duties as such commissioner, and whose duty it shall be annually to examine all such causes and records, with a view of ascertaining and reporting all moneys, bonds, notes, and other evidences of debt, under the

control of courts in said circuit, or fiduciaries appointed by such courts, or by any deed or will, subject to taxation under the laws of this state, who, before entering upon the discharge of his duties under this act, shall qualify before some court of record in said circuit, and enter into and acknowledge a bond in the penalty of five thousand dollars, conditioned for the faithful discharge of such duties, and payable to the commonwealth of Virginia, and with good personal security.

2. As soon as such examiner shall have qualified he shall proceed to examine papers in all pending causes in said courts, or records of said courts of his circuit, and ascertain what moneys, notes, bonds, choses in action, or other evidences of debt, are held by any bank, receiver, fiduciary, or other person, firm or corporation, or held subject to the order of such courts; and as soon as such examination is made he shall forthwith make a detail report thereof to the commissioner of the revenue of the county or corporation for which such examination is made, in such form as shall be prescribed by the auditor of public accounts, and thereupon such commissioner of the revenue shall assess the taxes thereon as if such report was made by the clerks of said courts, or by fiduciaries as now prescribed by law; if any person consider himself aggrieved by such valuation and assessment, such person may proceed for correction of same under provisions of sections five hundred and sixty-seven and five hundred and sixty-eight of the code of Virginia, providing for the correction of erroneous assessments of taxes.

3. The examiner of records shall be entitled to receive as compensation for his services under this act, to be paid in the same manner as the compensation is now made to commissioners of revenue, one-tenth of one per centum, to be calculated on the aggregate amount of property assessed under this act.

4. All acts and parts of acts inconsistent with this act are hereby repealed.

5. This act shall be in force from its passage.

CHAP. 706.—An ACT to incorporate the Southeastern and Atlantic railroad company.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That Alvah H. Martin, Patrick Matthew, Franklin D. Gill, Benjamin D. White, A. T. Herbert, and T. J. Wool, and their associates, successors, and assigns, be, and they are hereby, constituted and declared a body politic and corporate by the name and style of the Southeastern and Atlantic railroad company.

2. The said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all the courts, whether in law or equity, and may make and have a com-

mon seal, which it may alter and renew at pleasure; and shall have, possess and enjoy all the rights and privileges and be subject to all the liabilities of corporations as is provided by law.

3. The capital stock of the said company shall be not less than twenty thousand dollars, and may from time to time be increased to any amount not exceeding one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and the board of directors may dispose of the same at such prices and upon such terms and under such regulations as they may determine; and the directors may receive cash, labor, material, bonds, stocks, real or personal property, in payment of subscriptions to the capital stock, at such valuation as may be agreed upon between the directors and the subscribers, and may make such subscription payable in such manner or amounts and at such times as may be agreed upon; the incorporators above-named, or a majority of them, may receive subscriptions to the capital stock in such manner as they may deem best, and no advertisement of the time and place at which the books will be opened for subscriptions shall be necessary.

The said company shall have the power to issue preferred stock, upon such terms as may be determined upon by the board of directors.

4. The board of directors of the said company shall be stockholders of the said company, and shall consist of six members, which number may be increased to any number not exceeding eleven at any annual meeting of the said company, who shall hold office for the term of one year, and until their successors are elected and accept the office; or they may be divided, and elected as is provided by an act approved March second, eighteen hundred and eighty-eight (session acts, eighteen hundred and eighty-seven and eighteen hundred and eighty-eight, page four hundred and forty-eight); and the said board of directors shall from their number elect a president and such other officers and employees as they shall deem necessary for the proper conduct of the affairs of the said company; and they shall fill any vacancy that may occur in the board or in the office of president. The incorporators named in this act shall constitute the board of directors for the first year, and shall continue in office until their successors shall have been elected and accepted office; they shall have the power and authority of a president and board of directors for the purpose of organization and for all other purposes incident thereto; they shall elect one of their number president of the board, and may appoint such other officers as they may deem proper; they shall fill any vacancy that may occur in the board or in the office of president.

5. The said The Southeastern and Atlantic railroad company is hereby authorized, empowered and permitted to locate, construct, equip and operate a railroad of standard or narrow gauge, with one or more tracks, to be propelled by steam or electric power; having for its beginning a point in or near the city of Norfolk, or the town of Berkley, or any point on the Elizabeth river or its branches; thence running through the counties of Norfolk and Princess Anne by any route the directors may select to some point in Princess Anne county on the Atlantic ocean, or any other point in Princess Anne county

to be selected by the board of directors of the said company. The said company shall have the right to cross the Elizabeth river by ferries for the purpose of connecting with its railroad or any of its branches, and of erecting a draw-bridge across the eastern branch of the Elizabeth river and over any of the tributaries of the said eastern branch; provided no bridge shall be erected west of the bridge of the Norfolk and Western railroad, and to operate a ferry in connection with its railroad to facilitate travel and commerce. It shall have the right to cross the track of any other railroad company at grade or over or under the same, subject to the provisions of the general law now in force.

6. The said company is authorized and empowered to locate, construct, and equip and operate any lateral branch or tramway, not exceeding ten miles in length each, which a majority of its stockholders may determine to construct and operate, and by such route as may be determined by its board of directors; and the said company may connect or unite its said road with that of any other company or companies, or consolidate or merge its stock, property, and franchises with those of any other company or companies operating or authorized to operate in this state, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating, or to enter to traffic or other arrangements or contract with any other railroad company organized under the laws of this state for doing business over the line of such other railroad; and to that end power is hereby given to such company to make and carry out such contract by lease, purchase, acquisition of stock in such company, or otherwise, as will facilitate and consummate such connection or consolidation, or such traffic contract, on such terms as may be agreed upon by the board of directors of this company and any other such company. And the said company may own, charter, or otherwise employ vessels propelled by steam or sail, or by other means, in order to facilitate and meet the demands of trade and commerce; and to construct all necessary works, conveniences, and facilities as will aid it in the furtherance of its purposes, such as wharves, piers, warehouses, and other structures, with the right to charge and collect tolls for the use of the same.

7. It shall be lawful for the said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper in the prosecution of its work; and may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, real, personal, and mixed, its contracts and privileges, and its chartered rights and franchises, including its franchise to be a corporation; and it may, as the business of the company shall require, sell, lease, convey, and encumber the same.

8. It shall be lawful for the said company to subscribe to and hold shares of the capital stock of any manufacturing or other corporation or enterprise, and any manufacturing or other corporation or other enterprise may subscribe to, guarantee, or hold the stock or bonds of the said company; and it shall be lawful for any county,

city or town to subscribe to the capital stock of the said railroad company, or any branch thereof, in the manner which the law prescribes.

9. The company may acquire by condemnation, according to the laws of the state of Virginia, the lands required for the right of way of the said railroad, and the necessary stations and depots, yards and terminal facilities for its operation.

10. Each stockholder in the company shall at all meetings or elections be entitled to one vote for each share of stock registered in his name, and the president and board of directors of the said company may enact such by-laws, rules, and regulations for the management of the affairs of the said company as they may deem expedient.

11. Whenever the corporation shall exercise any of the privileges conferred by this act it shall be liable to the same taxes as may be imposed by law upon other like incorporations or persons exercising like privileges; and all taxes due the commonwealth by the said company shall be paid in lawful money of the United States, and not in coupons.

12. This act shall at all times be subject to amendment, alteration, and repeal by the general assembly of Virginia; and in the event of a consolidation with any other company this company shall remain a Virginia corporation so far as the right of suing and being sued is concerned.

13. The construction of the said road shall be begun within two years from the first day of April, eighteen hundred and ninety-six, and completed in five years thereafter.

14. This act shall be in force from its passage.

CHAP. 707.—An ACT to extend the time for the completion of the Virginia western coal and iron railroad company.

Approved March 4, 1896.

Whereas the Abingdon coal and iron railroad company was incorporated under an act of the general assembly of Virginia, approved April eleventh, eighteen hundred and eighty-seven; and

Whereas said railroad company, under said charter, commenced the construction of its line of road and completed the grading of same from Abingdon to a point near Damascus, Virginia, a distance of fifteen miles, expending on said construction about one hundred and fifty thousand dollars; and

Whereas the Virginia western coal and iron railroad company has been created and organized under a sale and conveyance pursuant thereto of all the works, property and franchises of the Abingdon coal and iron railroad company, under a deed of trust by the said Abingdon coal and iron railroad company, and has thereby succeeded to all the franchises, rights and privileges of the said last-named company; and

Whereas the Virginia western coal and iron railroad company has been unable to complete its said line of road and put the same in operation as provided in the said charter, because of the great financial depression existing throughout the country, and desires an extension of time within which to complete the same; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the time for the completion of said road and its lateral branches be, and the same is hereby, extended for the period of five years from the passage of this act.

2. That the said Virginia western coal and iron railroad company is authorized to locate, construct and operate any lateral or branch roads, not to exceed twenty miles in length.

3. This act shall be in force from its passage.

CHAP. 708.—An ACT to authorize the auditor of public accounts and governor to fix the compensation to be paid to the special agent of the state for instituting suits and superintending the collection of amounts due the state from two of the former treasurers of Bedford county.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized to recommend to the governor such compensation as may seem to him reasonable to be paid to the special agent of the state for instituting suits and superintending the collection of the amount due the state from James L. Arthur, former treasurer of Bedford county, and Louis C. Arthur, late treasurer of said county, and their sureties, provided such compensation shall not exceed ten per centum on the money actually paid into the treasury from either source; and the governor shall authorize the payment of what is so recommended, or so much thereof as in his judgment may be proper.

2. This act shall be in force from its passage.

CHAP. 709.—An ACT to incorporate the Manchester light and fuel company.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That Carter M. Braxton, A. H. Leftwich, Augustine Royall, Herbert D. Owen, Charles L. Gately and William A. Little, junior, and other such persons as may be now or hereafter associated with them, shall be, and they are hereby, incorporated and made a body politic and corporate under the name and style of the Manchester light and fuel company, with power to construct, purchase or lease or to maintain suitable

works, pipes, machinery and all proper and desirable appliances, either in the city of Manchester or in the county of Chesterfield, or in both localities, for the manufacture, generation, distribution and sale of gas or electricity for fuel, motive-power and public and private illumination or heating, or both, in the said city of Manchester or in the said county of Chesterfield, or in both.

And for the purpose of carrying into full effect the powers and privileges herein granted and provided for, the said company shall have power to purchase and lease such real estate, not exceeding ten acres, located either in the city of Manchester or in the county of Chesterfield, or in both, as may be necessary for the said works, and for laying the pipes and for the carrying on of the said business.

And the said company shall have all the general powers and be subject to all the general restrictions prescribed by chapters forty-six and forty-seven of the code of Virginia of eighteen hundred and eighty-seven, except so far as this act may otherwise prescribe.

2. That the capital stock of this company shall not be less than twenty thousand or more than one hundred thousand dollars, to be divided into shares of one hundred dollars each, and to be raised by subscription, for which purpose, if the stock be not otherwise subscribed, books may be opened under the superintendence of any two or more of the persons hereinbefore named; and the amount of the capital stock of said company may be increased from time to time by order of the board of directors; provided the maximum above mentioned be not exceeded.

And said company shall have power to make, execute, issue and sell or negotiate its bonds, and shall have power to secure said bonds by a mortgage or deed of trust on all its works or property and franchises, or any part thereof; and may hold stock in any other company or corporation; and it may acquire by purchase, lease or otherwise, the plant, works or property of any other light company in the city of Manchester or the county of Chesterfield, either or both.

3. That each and every share of stock in said company shall entitle the owner thereof to one vote thereon, in person or by proxy.

4. That the said company shall be authorized to open, dig up and excavate the roads, lanes, streets, alleys and public squares in the city of Manchester or in the county of Chesterfield, either or all, subject to the fee simple rights by adjacent landowners, for the purpose of laying, repairing, cementing and tapping their mains and pipes, and generally for the purpose of doing what may be necessary and proper in the prosecution of its manufacturing, generating and distributing gas or electricity, as provided for in the first section of this act; provided that when the same shall have been opened, dug up, or excavated for such purpose, they shall, as soon as practicable, be repaired by the said company, at its own cost, under the direction of the proper authorities of the said city of Manchester, if the same be done in the said city, or the county of Chesterfield, if the same be done in the said county, if the said local authorities may be had, so that the roads, lanes, streets, alleys and public squares may be restored to their former condition as nearly as practicable.

5. The general assembly reserves the right to amend alter or repeal this charter at pleasure.

6. That all taxes due the state shall be paid in money, and not in coupons.

7. This act shall be in force from its passage.

CHAP. 710.—An ACT to place on the pension list the name of J. M. Craghead, a wounded Confederate soldier, of Bedford county.

Approved March 4, 1896.

Whereas J. M. Craghead, a wounded Confederate soldier, of Bedford county, received a wound in the late war between the states which deprives him in a large measure of the use of one of his arms, and which incapacitates him from labor to an extent equivalent to the loss of an arm:

1. Be it, therefore, enacted by the general assembly of Virginia, that the auditor of public accounts be, and he is hereby, authorized to place on the list of pensioners the name of the said J. M. Craghead, and that he draw his warrant annually in favor of the said J. M. Craghead for the sum of fifteen dollars, when the county court of Bedford county certifies that the preamble to this act are true.

2. This act shall be in force from its passage.

CHAP. 711.—An ACT to put on the pension list the name of J. W. Lawhorn, a wounded Confederate soldier, of Bedford county.

Approved March 4, 1896.

Whereas J. W. Lawhorn, a wounded Confederate soldier, of Bedford county, received a wound in the late war, which deprives him in a measure of the use of one of his legs, and which incapacitates him from labor to an extent equivalent to the loss of a leg:

1. Be it, therefore, enacted by the the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized to place on the pension list the name of J. W. Lawhorn, and draw his warrant annually in favor of the said J. W. Lawhorn for the sum of fifteen dollars, when the judge of the county court of Bedford county certifies that the preamble to this act are true.

2. This act shall be in force from its passage.

HAP. 712.—An ACT to repeal an act entitled “an act to charter and incorporate the town of Neapolis, in Pittsylvania county, Virginia,” approved March 2, 1894.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled “an act to charter and incorporate the town of Neapolis, in Pittsylvania county, Virginia,” approved March second, eighteen hundred and ninety-four, be, and the same is hereby, repealed.

HAP. 713.—An ACT to amend and re-enact sections 3, 7, and 8 of an act entitled an act to incorporate the Madison and Orange railroad company, approved February 28, 1894.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That sections three, seven, and eight of an act entitled an act to incorporate the Madison and Orange railroad company, approved February twenty-six, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 3. The incorporators named in this act, or such of them as accept the provisions of this charter, shall constitute the board of directors for the first year, and shall continue in office until their successors shall be elected and qualified. They shall have the power and authority of a president and board of directors for the purpose of organization, and for all other purposes. The board of directors shall be stockholders of said company; they shall elect a president, who shall be one of their number, a secretary and treasurer, and may appoint such other officers or agents as they may deem proper; and shall fill any vacancy that may occur; may receive subscriptions to the capital stock of the company in such manner as they may deem best, and no advertisement of the time and place at which books will be opened for subscriptions shall be necessary.

And the company may receive labor, material, real or personal property, and equipment in payment of subscriptions, at such valuation and in such manner or amounts as may be agreed upon between directors and subscribers. Whenever five per centum of the minimum capital stock shall have been paid in, and the board of directors shall have elected a president, secretary and treasurer, both of which last two offices shall be held by one person, the said company shall then be considered legally organized.

§ 7. When the said company shall have been legally organized, it shall be lawful for the said company, in order to raise means to construct or equip said road, to borrow money upon the faith of the property and franchises, and to issue its bonds therefor, secured by such

deeds of trust or mortgages as may be necessary, said bonds to be sold upon such terms as may be agreed upon by the board of directors.

§ 8. The said road shall be commenced within two years from the first day of March, eighteen hundred and ninety-six, and completed within five years from said date.

2. This act shall be in force from its passage.

CHAP. 714.—An ACT to incorporate the Northern Neck mutual union, in Westmoreland county, Virginia.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That R. B. Page, F. P. Nickens, A. Dickinson, and such other persons as are now and may hereafter become members of this union, be, and they are hereby, constituted a body politic and corporate, by the name and style of the Northern Neck mutual union, with its principal office situated at Potomac Mills, in Westmoreland county, Virginia, and by that name shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, and in all respects shall be invested with the rights and privileges conferred, and subject to the restrictions and regulations prescribed for corporations by the general laws, so far as the same are applicable to this corporation and not inconsistent with this act.

2. This corporation may take, by purchase, gift, devise, or bequest, and hold real and personal estate, and lease, rent, sell, or otherwise dispose of the same in such manner as may seem most advantageous; provided it shall not hold real estate exceeding five acres of land, and personal estate exceeding five thousand dollars in value in any one county.

3. The objects of the order shall be to help, aid, and assist its sick and destitute, to bury its dead, and take care of its widows and orphans, and generally to cultivate and promote good conduct and correct living among its members.

4. The said corporation may institute subordinate lodges in any county within the Northern Neck of Virginia, and shall have power to make and adopt a constitution and by-laws, and rules and regulations for the admission and expulsion of members and for their government, the election of officers, and to define their duties, and for the use, investment, safe-keeping, and protection of its property, real and personal, provided the same be not inconsistent with the laws of the United States or of this state.

5. This act shall be in force from its passage.

CHAP. 715.—An ACT to amend and re-enact sections 5 and 10 of an act entitled an act to provide for the working of the roads in King George county, approved February 29, 1892, as amended and re-enacted by an act entitled an act to amend and re-enact sections 5, 6, and 10 of an act entitled an act to provide for the working of the public roads in King George county, approved February 28, 1894.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That sections five and ten of an act entitled an act to provide for the working of the public roads in King George county, approved February twenty-nine, eighteen hundred and ninety-two, as amended and re-enacted by an act entitled an act to amend and re-enact sections five, six, and ten of an act entitled an act to provide for the working of the public roads in King George county, approved February twenty-sixth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 5. That all male persons in said county may be called upon to work some public road in the district in which he may reside, with the following exceptions, namely: Ministers of the gospel and persons under twenty-one and above sixty years of age, any person who has lost a leg, an arm, or who is otherwise disabled. Each person who works upon the public road, when called upon by the surveyor, shall be paid in the manner herein prescribed out of the county levy at the rate of seventy-five cents per day.

a. It shall be the duty of each road surveyor to keep a list of those who may be called upon to work the public roads in his district, and to keep an exact record of each day's work, or fraction thereof, and the names of the parties doing the work. It shall not be lawful to call upon any one person twice until every person upon such list shall have been summoned: provided, however, the road surveyor shall in no case call upon or summon any indifferent workers upon the road, but such men may be stricken from the list by the surveyor. It shall be the duty of the surveyor to see that the men at work upon the road do their duty faithfully and efficiently, and no one shall in any case be paid in full unless he so performs his work; and such person, in the discretion of the surveyor, may thereafter be stricken from the surveyor's list. In no case shall the surveyor have more men at work upon the road at any one time than may be required to complete the work with reasonable dispatch.

b. It shall be the duty of the surveyor to give to each party who has worked upon the road in a manner satisfactory to the surveyor a certificate showing the number of days, or fraction thereof, worked by such party.

c. At the November and June terms of the county court, each surveyor shall return to the court a list of the men who have performed the work upon the roads in his district, in obedience to call for six months last past, an itemized statement of the time engaged, and the amount respectively due for such work; and also a statement of numbers of wagons, teams, carts, plows and other such implements used, by whom furnished, the amount due for each, and time actually employed in work. This return shall be sworn to

before the court by the surveyor at the time it is made, and the court may, if it deem it necessary, require any other evidence as to its correctness. No such return shall be passed upon unless it is in proper form. Such return may be approved in whole or in part by the court, or it may reject the same in toto. If approved in any way it shall, as approved, be certified by the court to the board of supervisors, which shall issue proper warrants to each individual upon the county treasurer for payments of amounts due, subject, however, to subdivision *d*.

d. It shall be the duty of the board of supervisors to carefully scrutinize each return so certified, and if from the knowledge of any member, or from other evidence not known to the court at time of return, there be any reason why any return or any part thereof should not be allowed, the board shall send same back to the court at the next term, giving reasons in writing for its action. In such case the court may take such action as it may deem proper and necessary, and if it allows the same in whole or in part, shall again certify the return to the said board for payment as aforesaid.

e. The day mentioned in this act shall not be less than eight hours.

f. Any surveyor who violates any provision of this section or any other section of this act shall be fined not less than ten dollars, and shall be removed from office.

g. All warrants issued by virtue of this section shall be received in payment of all dues and demands held by the county against the legal holder thereof, except what may be due for county or district free-school purposes; provided if the board of supervisors of said county at any time think it to the best interest of the said county to have said roads worked by contract, it is hereby authorized and empowered to have said roads so worked, and to this end is hereby authorized and empowered to make all such rules and regulations, contracts and agreements, as may be expedient, proper and necessary; provided, however, such rules and regulations, contracts and agreements are approved by the county court of said county. The board of supervisors, at its annual meeting, or as soon thereafter as practicable, is empowered to levy a road-tax, not to exceed twenty cents on the one hundred dollars' worth of property, to be collected by the county treasurer and accounted for by him with other county levies; but the tax so levied and collected in each district shall be used and applied in that respective district; and if said board of supervisors determine to have said roads worked by contract system, the provisions of this act which may be inconsistent with the same shall in no case apply.

h. The clerk of the county court shall, for services performed under this act, receive annually the sum of six dollars, to be paid in semi-annual installments.

§ 10. Every surveyor of a road shall be entitled to receive for summoning hands to work on the public roads a sum not exceeding five cents for each hand summoned, the same to be fixed by the board of supervisors, and he shall receive in addition thereto, the sum of seventy-five cents per day for each day that he may supervise the

working of the road. Every surveyor shall present his account for services under this act, together with all expenses incurred by him in working the roads under his charge, to the county court at its November and June terms, verified by his oath and certified to by at least two freeholders of his road district, that the services, work, expenses therein set forth, were actually rendered and incurred, and that the same were necessary, which, if allowed by the court shall be certified by it to the board of supervisors.

3. This act shall be in force from its passage.

CHAP. 716.—An ACT to amend section 2 of a charter granted to The John G. Hurkamp Company on the 7th day of August, 1895, by the judge of the circuit court of Fredericksburg, in vacation, and to confirm and approve and ratify such charter, as amended, and all its provisions.

Approved March 4, 1896.

Whereas by an order entered on the seventh day of August, eighteen hundred and ninety-five, the judge of the circuit court of Fredericksburg, in vacation, granted a charter incorporating The John G. Hurkamp company, which charter is in words and figures following, to wit:

Be it known that we, William H. Hurkamp, Charles H. Hurkamp, Virginia Hurkamp, Elizabeth Hurkamp, Annie A. Keim, and Peyton R. Keim, whose names are signed hereto, do hereby associate ourselves together, and with us such other persons as we may desire, and form a body politic and corporate, in pursuance of the laws of the state of Virginia, and do make the following statements and declarations in reference thereto:

I.

The name and style by which this corporation shall be known shall be The John G. Hurkamp company.

II.

The objects and purposes for which said corporation is formed are the manufacture and sale of leather; also, the manufacture and sale of sumac, bark, and etcetera, and so on, in the ground state and extract form.

III.

The capital stock of said company shall not be less than five thousand dollars nor more than fifty thousand dollars, divided into shares of one hundred dollars each, payable in such installments and at such time or times, as the board of directors may determine. The said capital stock may be increased from time to time by the board of directors to an amount not exceeding one hundred thousand dollars.

IV.

It shall be lawful for said company to acquire, hold, and own real estate not exceeding five hundred acres.

The principal office of said company shall be at Fredericksburg, Virginia, where the chief business of the company will be transacted.

VI.

The names of the officers of the company who for the first year shall manage the affairs of the company are: William H. Hurkamp, president and treasurer; Charles H. Hurkamp, secretary and general manager. Board of Directors: William H. Hurkamp, Charles H. Hurkamp, Virginia Hurkamp, whose residences are Fredericksburg, Virginia, and who shall make such by-laws as may be necessary for the conduct of said business of the said company.

Witnesseth the following signatures and seals, this fifth day of August, eighteen hundred and ninety-five:

W. H. HURKAMP	[Seal].
CHARLES H. HURKAMP	[Seal].
VIRGINIA HURKAMP	[Seal].
ELIZABETH HURKAMP	[Seal].
ANNIE A. KEIM	[Seal].
PEYTON R. KEIM	[Seal].

State of Virginia—Corporation of Fredericksburg, to-wit:

I, A. B. Botts, a notary public in and for the corporation aforesaid, in the state of Virginia, do hereby certify that William H. Hurkamp, Charles H. Hurkamp, Virginia Hurkamp, Elizabeth Hurkamp, Annie A. Keim, and Peyton R. Keim, whose names are signed to the writing above, bearing date on the fifth day of August, eighteen hundred and ninety-five, have acknowledged the same before me in my corporation aforesaid.

Given under my hand this fifth day of August, eighteen hundred and ninety-five.

A. B. BOTTS, notary public.

In the circuit court of Fredericksburg—In vacation:

The foregoing petition being presented to the judge of the circuit court of Fredericksburg, in vacation, asking for a charter to incorporate "The John G. Hurkamp company," and being in proper form and according to law, the judge of said court doth, in pursuance of the laws of the state of Virginia, grant said charter and incorporate the said company under the said name and style of "The John G. Hurkamp company," in the manner and with the provisions set out in said certificate and petition.

And the judge of said court doth direct the clerk of the circuit court of Fredericksburg to record this charter according to law, and

to certify the same under the seal of the said court to the secretary of the commonwealth.

W. S. BARTON,
Judge tenth judicial circuit,
August seventh, eighteen hundred and ninety-five.

And whereas it being now desired that said charter, granted as aforesaid, be amended in the second section thereof, and as amended, that said charter be approved in all its provisions, and confirmed and ratified by the general assembly of Virginia, and that the rights and powers by said corporation be sure and stable; therefore,

1. Be it enacted by the general assembly of Virginia, That section two of said charter be amended and re-enacted so as to read as follows:

§ 2. The said company is hereby authorized to carry on the business of manufacturing leather, sumac bark, and so forth, in the ground state and extract form, and may transport and sell the same and conduct such other similar business in connection therewith as to it may seem proper; and it may acquire property not exceeding five hundred acres, as provided for in article four of said charter, and establish works for the said purposes herein granted; and it may hold, sell, lease and otherwise dispose of any real and personal estate deemed necessary to the proper prosecution of its business; and the said company may, in connection with any of its said business and the use and improvements of any of its properties, make, build and operate any canals or waterways, tramways or railways of such gauge as may be deemed expedient for any of its works erected or to be erected, and to connect the same with other railroads now existing or hereafter built, and to operate the same for either freight or passenger service, provided said railway shall not exceed five miles in length.

Be it also enacted that the aforesaid charter of the John G. Hurkamp company, as above amended, be, and the same is hereby, confirmed, approved and ratified, and the board of directors, as named therein, and all of their acts and doings thereunder, and all rights of property and otherwise, acquired or belonging to the said corporation, are made stable and true.

2. This act shall be in force from its passage.

CHAP. 717.—An ACT to incorporate the Fredericksburg telephone company.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That W. Seymour White, L. O. Magrath, Henry G. Chesly and M. B. Rowe, and such other persons as may hereafter be associated with them, their successors and assigns, be, and they are hereby, constituted a body politic and corporate to be known as the Fredericksburg telephone company, and by that name to sue and be sued, plead and be

impleaded in all the courts of law and equity in this state, and may have, make and use a common seal, and the same break, alter, and renew or change at their pleasure, and may make, ordain, establish, alter or amend such by-laws, ordinances and regulations concerning all matters of organization and business not herein specifically provided for as they may think proper, and generally may do every act and thing necessary to carry this act into effect, or to promote the objects and designs of the corporation, provided such by-laws, ordinances and regulations or acts be not inconsistent with the laws of this state or of the United States. The said company shall be, and is hereby, empowered to promote, establish and maintain the business of a telephone company; to erect, establish, maintain and operate or sell a plant or plants in the counties of Spotsylvania, Caroline, Essex, Stafford and King George, and town of Fredericksburg, either or all, for its own use and for sale or rent to persons desiring to use the same, and may manufacture, use and sell, distribute, rent or otherwise furnish telephones to all and any persons, parties and corporations desiring to use the same, upon such terms as may be agreed upon between the contracting parties.

2. It may build, rent or otherwise acquire and maintain and operate in streets, alleys, avenues and public highways, poles, wires, subways, underground conduits and sub-marine cables, and other electrical conductors, with the necessary fixtures, stations, terminals or other facilities connected therewith, such as may be necessary and suitable for the proper, full and convenient carrying on of the business of the company in said localities or any of them, subject always to the fee-simple rights of the adjacent land owners and to such terms and conditions as may be agreed on with the city council of said city and permitted by the county court of said county by and with the assent of the said land owners affected thereby. It may acquire by purchase, lease or otherwise, and to hold and thereafter to sell or otherwise dispose of such real estate, not exceeding five acres in any said city, or in any of said counties which may be found necessary and convenient for the establishment, erection, and maintenance of such lines of poles and wires and underground conduits, and subways and sub-marine cables, together with the necessary fixtures, stations, terminals or other facilities, and for any other of the purposes and uses of said company, subject to the fee simple rights of said land owners affected thereby.

3. The capital stock of the said company shall not be less than three thousand dollars, nor more than thirty thousand dollars, divided into shares of twenty-five dollars each.

4. Subscription to the capital stock may be received by the incorporators herein named, or any three of them, at such time and place as they may appoint, and with or without such public notice, as they may deem best; and as soon as the minimum capital stock has been subscribed the said subscribers may organize as a corporation and proceed to elect a president and board of directors, and adopt such by-laws and regulation as may be proper for the management of the affairs of the company, and thereafter further subscriptions to the capital stock may be received by the board of directors.

5. Subscriptions to the capital stock may be payable either in money, land, labor, services, material, rights, or other property, or in the capital stock of other telephone corporations, upon such terms and conditions as may be agreed upon between the said company and the subscriber.

6. The company hereby incorporated may acquire by lease, purchase, subscription to its capital stock, or otherwise, and use and operate the works, property, franchises, rights, privileges, and immunities of any other telephone company or companies within said localities, or of any company or companies incorporated for the purpose of manufacturing or furnishing telephones, or having the power to do so within said city or counties, or either of them; and the company hereby incorporated may unite and consolidate with such other telephone company or companies as aforesaid upon such terms as may be agreed on between them; and power is hereby conferred on such other telephone companies to transfer, by sale or lease, their works, property, franchises, rights, privileges, and immunities to the company hereby incorporated, or to unite and consolidate with it upon such terms as may be agreed upon between them.

7. The principal office of the company shall be in Fredericksburg, in the state of Virginia.

8. The company may dispose of the whole or any part of its property, however acquired, by sale, lease or otherwise; may borrow money and may issue bonds, either registered or coupon, and may secure the payment of the same by mortgage or deed of trust upon the whole or any part of its property, works, rights, franchises, and privileges.

9. All taxes due by this company shall be paid in money, and not in coupons.

10. The general assembly hereby reserves the right to alter, amend, or repeal this charter at any time.

11. This act shall be in force from its passage.

CHAP. 718.—An ACT to amend and re-enact an act to confer upon the council of the town of Danville authority to build, purchase, repair and keep up a free bridge or free bridges across Dan river, and to confer upon the said corporation the power to increase its bonded indebtedness for public improvements, approved February 24th, 1886, as amended and re-enacted by chapter 51 of acts of extra session 1887, approved April 6th, 1887.

Approved March 4, 1886.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to confer upon the council of the town of Danville authority to build, purchase, repair and keep up a free bridge or free bridges across Dan river, and to confer upon the said corporation the power to increase its bonded indebtedness for public improvements, approved February twenty-fourth, eighteen hundred and eighty-six, as amended and re-enacted by chapter fifty-one of acts of extra ses-

sion eighteen hundred and eighty-seven, approved April sixth, eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 2. And the council of the city of Danville shall have power also to issue bonds of the said city to an amount not exceeding one hundred thousand dollars in addition to the present indebtedness of said city, for the purpose of paving the streets of said city and for the prosecution of other works of internal improvements within the limits of said city; provided that the question of application of the proceeds of said bonds or any part thereof exceeding the sum of ten thousand dollars shall have been first submitted to a vote of the qualified voters of the city of Danville, and shall be approved by two-thirds of such voters voting at such election, which two-thirds shall include a majority of the qualified registered voters owning real estate in said city; the said sum of one hundred thousand dollars being part of what remains unappropriated of the amount of five hundred thousand dollars of bonds which the council of the town of Danville was authorized and empowered to issue and appropriate under the act approved February twenty-fourth, eighteen hundred and eighty-six, hereinbefore mentioned as amended by an act approved April sixth, eighteen hundred and eighty-seven, as aforesaid.

2. This act shall be in force from its passage.

CHAP. 719.—An ACT to incorporate the Mount Vernon military institute.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That James E. Clements, Jackson E. Sickles, Samuel H. Lunt, Charles H. Schaaff, Howard M. Norris, Joseph Atkins, and Thomas J. Parker, and their associates and successors, be, and they are hereby, created a body politic and corporate by the name of the Mount Vernon military institute.

2. That the said corporation is hereby authorized to hold, by purchase, gift, or lease, the estate in Alexandria county in this state known as Warwick, containing fifty acres of land, more or less.

3. That the said Mount Vernon military institute is hereby empowered from time to time to make such by-laws, rules and regulations as they may find necessary, and to perform such other things as may be required for carrying this act into effect, and which may not be repugnant to the constitution of this state and the constitution and laws of the United States.

4. That said corporation shall have power to receive bequests, gifts and donations for the purpose of improving, maintaining and keeping in repair the grounds and buildings upon said estate, and for scholarship and establishing professorships.

5. That the principal object and purpose of said corporation is to

fit young men for successful entrance into the naval and military academies of the United States.

6. That said corporation shall be governed for the first year of its existence by the incorporators herein named, a majority of whom shall constitute a quorum, and the said incorporators, or a majority thereof, shall have power to fill all vacancies happening by death, resignation or otherwise.

7. That in order to preserve the quiet of said institution, and the full and complete use and enjoyment of all scientific instruments used in connection therewith, it shall be unlawful from and after the passage of this act for any railroad or tramway to be located within one hundred yards of the grounds belonging to said institute.

8. That said corporation shall have jurisdiction and authority to keep the peace within the limits of its grounds, and by and with the advice and consent of the judge of the county court of Alexandria county to appoint special policemen, who shall have and exercise the same powers now and hereafter conferred upon county constables by the laws of this state.

9. That the board of trustees of said corporation shall make a full report to the governor of this state on or before the first of January in each year, showing in detail the receipts and expenditures of the institution.

10. That nothing in this act shall be construed as binding this state to pay any portion of the expense of said institution.

11. This act shall be in force from and after its passage.

CHAP. 720.—An ACT to incorporate the Norfolk lumber company.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That Frank C. Rice, E. H. Hotchkiss, F. S. Morse, W. M. Pitzer, and William F. Rhea, their associates and successors, are hereby incorporated and constituted a body politic and corporate under and by the name of Norfolk lumber company, and by that name shall be known in law, and shall have perpetual succession and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or equity; and may make and have a common seal, and alter or renew the same at pleasure; and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies and necessary for the purposes of this act; and may make such by-laws, rules, and regulations as it may deem proper for the management of its estates and properties, and the due and orderly conduct of its affairs.

2. The capital stock of said company shall not be less than twenty-five thousand dollars; but may be increased from time to time by the board of directors to a sum not exceeding fifty thousand dollars; and shall be divided into shares, the par value of which shall be one hundred dollars each. The board of directors shall fix the amount

of capital stock, and take subscriptions thereto, and may sell shares of said stock, or any part thereof, at such price and on such terms as they may deem to be to the best interest of the company; and may receive notes or bonds, real or personal property, money or services, in payment thereof, and at such valuation as may be agreed upon between the directors and the purchasers.

3. The annual meeting of the stockholders of said company shall be held in the city of Norfolk, Virginia, on the last Saturday of May of each year, or at such other time and place in this place as the board of directors or stockholders in general meeting may appoint; and in all meetings of stockholders one vote may be cast in person or by proxy for each share of stock by the holder thereof.

4. The board of directors shall consist of five members, who shall from their number choose a president, a vice-president, a general manager, and a secretary and treasurer; and it may from its own number, or from other persons, choose such other officers, agents and employees as it may designate and require, and may fix such compensation and salaries as it may deem proper for each and all of its officers, agents, and employees; and the same person may hold one or more offices as the board may determine. The board of directors shall also have power to change the name of the company whenever they deem it proper to do so.

5. The five persons named in the first section of this act shall constitute the first board of directors, and shall manage the affairs of the company, and shall discharge all the duties given the board under this act until their successors have been elected by the stockholders, and shall have power to establish and enforce all rules and by-laws which they may deem necessary, until the same may be changed or altered by the stockholders in general meeting.

6. The principal office of said company shall be in the said city of Norfolk, or such other place in this state as the board of directors may designate; and it may establish branch offices in such places as it may deem necessary.

The said company is authorized and empowered to purchase, hold, own, lease, and control in any manner, and to grant, bargain, sell, transfer, mortgage and convey, and otherwise dispose of real and personal property of any kind as may be necessary for the proper conduct of the lumber business in this state or elsewhere, and to deal in timber, lumber, and any other material, and build houses of any character and kind necessary to the lumber business, and to lease, mortgage, sell, and otherwise dispose of said lumber, materials, houses and lots, as the board of directors may deem best; and for the purpose of carrying on the timber and lumber business, it may establish its plant or plants in or near the city of Norfolk, or elsewhere in this state; and for the operation of its general business it may contract for and operate water-rights, ways, and privileges, and may make, construct, and operate and maintain tramways and other roads than railroads by making due compensation for land used.

7. The said company shall be subject to the general laws of the state in regard to chartered companies and corporations, except where it is otherwise provided in this act.

8. No stockholder shall ever be liable or made responsible for the debts and liabilities of the company in a larger or greater sum than the amount of any unpaid balance due the company on account of stock subscribed for or purchased from said company by such stockholder.

9. All taxes which may become due from said company to the state shall be paid in money, and not in coupons.

10. The general assembly reserves the right to alter, amend, or repeal this charter at its pleasure.

11. This act shall be in force from its passage.

CHAP. 721.—An ACT to incorporate the American annuity order of the city of Richmond.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That T. William Pemberton, J. N. Cullingworth, George Ross, Thomas N. Carter and Jackson Brandt, of the city of Richmond, and their associates, successors and assigns be, and are hereby, constituted a body corporate and politic by the name of the American annuity order, and by that name shall be known in law, and shall have perpetual succession; and shall have power to sue and be sued, plead and be impleaded in all courts; and may make and have a common seal, and alter the same at pleasure; and shall have, exercise and enjoy all the rights, powers and privileges pertaining to corporate bodies and necessary for the purposes hereinafter set forth; and may make a constitution, by-laws, rules and regulations, consistent with the existing laws of the state, for the government of all under its authority, for the management of its estates and properties, and for the due and orderly conduct of its affairs, the general object of said order being:

First. To unite fraternally all white persons of sound bodily health and good moral character, who are socially acceptable, and between the ages of eighteen and sixty-five years.

Second. To give all material aid in its power to its members and those dependent on them.

Third. To establish funds for the relief of sick and distressed members.

Fourth. To establish benefit funds, from which the members of said order who shall have complied with all the rules and regulations, may receive, at the end of a certain period, a sum not exceeding five thousand dollars, which may be payable in a lump sum or in weekly, monthly or annual installments, or from which, on the satisfactory evidence of the death of a member who shall have so complied with such rules and regulations, a sum not exceeding five thousand dollars, which may be payable in like manner, shall be

paid to the family of such member as he may direct, or, in case of his failure to direct, to his legal representatives.

2. The said order may acquire and own real estate not to exceed five acres; and its principal office shall be in the city of Richmond.

3. All taxes and debts due the state shall be paid in money, and not in coupons.

4. This act shall be in force from its passage.

CHAP. 722.—An ACT providing for working public roads in Prince Edward county.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That from and after July first, eighteen hundred and ninety-six, all of the public roads of Prince Edward county shall be under the general direction, care, and control of the board of supervisors of said county. And it shall be the duty of such board of supervisors to see that the county road funds are economically, usefully, and intelligently expended; to establish rules for making, altering, repairs, and maintenance of roads as provided by law; to provide for the erection and maintenance of suitable and necessary bridges, and to exercise a general supervision over all the roads in said county. The board of supervisors of said county shall annually levy along with the county levy a tax upon property, real and personal, assessed for taxation in the county, which shall be applied to working and keeping in order the roads and public bridges as provided by law; such tax shall not be less than five nor more than twenty cents upon the one hundred dollars in value of such property, and the same shall be collected and accounted for and paid out on warrants of the board as are other county funds; provided that said board of supervisors shall not be prevented from applying to the road fund any money not needed to defray the ordinary expenses of the county.

The board of supervisors is hereby authorized and empowered to employ vagrants and convicted criminals confined in the public or county jail upon the public roads of the county, and to establish proper rules and regulations for the management and guarding the same.

The members of the board of supervisors shall each receive for his services, in inspecting and overlooking roads in his respective district, two dollars per day for time actually employed; provided the total compensation does not exceed thirty dollars for any one year.

2. All acts inconsistent with above are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 723.—An ACT for the relief of John A. Buchanan, a Confederate veteran, of Augusta county.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That John A. Buchanan, a Confederate veteran, of Augusta county, who is now a beneficiary of the pension act for partial disability by reason of wounds received while in discharge of his duty as a soldier in the war between the states, at the rate of fifteen dollars per annum, and who has exhibited evidence going to show total disability, which incapacitates him for manual labor in the same degree as if he had lost a limb, be, and he is hereby, authorized to apply in the manner prescribed by law, with evidence satisfactory to the county court of Augusta county as to such total disability to be certified for a pension, as though said disability was equal to the loss of a limb, entitling him to a pension of thirty dollars.

2. This act shall be in force from its passage.

CHAP. 724.—An ACT to amend and re-enact section 18, chapter 3, of an act entitled "an act to change the name of the town of Goodson to the city of Bristol, and provide a new charter for the same," approved February 12, 1890.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That clause four, section eighteen, chapter three, of an act entitled "an act to change the name of the town of Goodson to the city of Bristol, and provide a new charter for the same," approved February twelfth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

Fourth. To establish or enlarge water-works and gas-works and electric light plants within or without the limits of the city; to contract and agree with the owners of any land for the use and purchase thereof, or have the same condemned according to law, for the location, extension, or enlargement of their said works, the pipes connected therewith, or any of the fixtures or appurtenances thereof, and shall have the power to protect from injury, by ordinances prescribing adequate penalties, the said works, pipes, fixtures, polls and lands, or anything connected therewith, whether within or without the limits of said city; and the city council is hereby given power to pass such ordinances as it may deem proper prohibiting the depositing or placing of any offal, rubbish, or other injurious matter in the water or stream from which said city receives its supply, and to prohibit the running of hogs in such streams, whether any such offence be done in the city of Bristol or in the county of Washington and without the city limits, and to prescribe such penalties and fines as they may deem adequate for the punishment of

violation of such ordinances, and the mayor of said city shall have jurisdiction of such cases, and shall have power to issue warrants for the arrest of any person or persons violating such ordinances, and to impose and enforce the penalties prescribed by same in the same manner he imposes and enforces other fines and penalties for violation of city ordinances, and without reference to whether the offender lives or the offence is committed either within or without the city limits. The sergeant, constable or any police officer shall have power to execute such warrant within or without the corporate limits, and shall also have power to carry out the judgment of the mayor in such cases. Where the mayor, in any such cases, imposes a fine in excess of five dollars the defendant shall have the right of appeal to the corporation court of said city, upon given satisfactory security for the fine and costs; and where there is an appeal and security, the mayor shall certify the papers to the clerk of such court, who shall place the same upon the criminal docket of said court, and the case shall be heard without any presentment or indictment by the grand jury; and the said corporation court is hereby given exclusive jurisdiction of such appeals, whether the offence was committed within the corporate limits or within Washington county. Where, in the judgment of the council of said city, it is necessary to acquire any additional water or water-power, or any other kind of property, real or personal, either within the city of Bristol or within Washington county, to enlarge or extend its water-works or to secure a more certain, adequate or better supply of water, it may proceed according to law to condemn so much water, water-power, and other property, either real or personal, as it may deem necessary for its purposes, and such proceedings shall be had and taken in the corporation court of said city, which court is hereby given exclusive original jurisdiction of said matters, whether said water, water-power, real or personal property, is located within the city limits or without the same at any place in Washington county, and should any condemnation proceedings be taken under this act, commissioners for the purpose may be appointed by said court from residents of said city, or from residents of Washington county.

2. This act shall be in force from its passage.

CHAP. 725.—An ACT to require the clerk of the circuit court of Brunswick county to keep his office open for the transaction of business.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the clerk of the circuit court for the county of Brunswick be, and he hereby is, required to keep the clerk's office of said court open for the transaction of business at least six hours of each day in the year, Sundays and legal holidays excepted. Any violation of this

act by the clerk of said court shall be a misdemeanor, and on conviction thereof be shall be fined five dollars for each offence.

2. This act shall be in force from its passage.

CHAP. 726.—An ACT to take the sense of the people upon the call of a convention to revise and amend the constitution.

Approved March 4, 1896.

Whereas it is represented to the general assembly of Virginia that a portion of the people of this commonwealth are desirous of amending the constitution of this state:

1. Be it therefore enacted, That it shall be the duty of the officers authorized to conduct the elections within this commonwealth, on the fourth Thursday in May, eighteen hundred and ninety-seven, at the polling places in the counties, cities and towns of the state, to open polls for the purpose of taking the sense of the people upon this question, "Shall there be a convention to revise the constitution and amend the same?" and all persons qualified to vote for the members of the general assembly shall be permitted to vote thereon.

The polls to be opened shall contain two columns, and shall be headed on the one side of the poll-book thus: "Shall there be a convention to revise the constitution and amend the same?—convention: no convention."

2. It shall be the duty of the judges of the election at each polling place to receive, canvass, count, certify and return the votes and poll-books at such election separately, as provided by law for elections of members of the general assembly, and they shall put said poll-books under cover, seal the same, and deliver them to the clerks of the county and corporation courts in which said elections are held on the day following such election.

3. The board of commissioners of elections in each and all of said counties, cities and towns shall, on the second day after such elections (Sunday excepted), meet at the clerk's office of the county or corporation for which they are appointed, and proceed to canvass and certify the same as provided by law for general elections in this state; and thereupon the clerk of said board shall transmit the result thereof, duly certified as provided by law, to the secretary of the commonwealth at Richmond, and the secretary of the commonwealth shall deliver the same to the speaker of the house of delegates on the first day of the next general or special session of the general assembly, to be by him laid before the general assembly at that session thereof.

4. This act shall be in force from its passage.

CHAP. 727.—JOINT RESOLUTION calling upon the superintendent of the penitentiary for information concerning guards employed at that institution.

Approved March 4, 1896.

Resolved by the general assembly of Virginia, That the superintendent of the penitentiary furnish to this body immediately the following information :

First. How many guards now employed by the state as guards for penitentiary convicts?

Second. What salary is paid each guard ?

Third. How many supernumerary guards?

Fourth. How many of the said guards are employed at the penitentiary farm?

Fifth. How many interior guards employed in the prison walls during the day?

Sixth. What duties do they perform, and how many hours on duty in every twenty-four hours?

Seventh. How many hours' duty does each extra guard perform in every twenty-four hours?

Eighth. How many extra guards have been appointed in the last thirty days?

Ninth. What salary does the assistant superintendent and the four keepers receive, and what extras does the superintendent and keepers receive in addition to their salaries, if any?

CHAP. 728.—An ACT to amend and re-enact section 1 of an act entitled an act to prescribe the time for holding the courts in the Eighth judicial circuit, approved February 27, 1894.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That section one of an act entitled an act to prescribe the time for holding the courts in the Eighth judicial circuit, approved February twenty-seventh, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows :

§ 1. Be it enacted by the general assembly of Virginia, That there shall be held annually in each of the counties of the Eighth judicial circuit of this state two regular terms of the circuit court, as follows, to-wit: In the county of Elizabeth City, on the third Tuesday in March and September; in the county of Accomac, on the first Tuesday in April and October; in the county of Northampton, on the third Tuesday in April and October; in the city of Williamsburg and county of James City, on the third Tuesday in May and November; in the county of York, on the fourth Tuesday in April and October; in the county of New Kent, on the second Tuesday in May and November; in the county of Charles City, on the fourth

Tuesday in March and September; in the county of Warwick, on the first Tuesday in March and September; in the city of Newport News, on the second Tuesday in March and September.

2. This act be in force from its passage.

CHAP. 729.—An ACT to amend and re-enact section 1043 of the code of Virginia in order to provide for local assessment.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That section ten hundred and forty-three of the code of Virginia be amended and re-enacted so as to read as follows:

§ 1043. City and town levies.—They shall annually cause to be made up and entered on their journal an account of all sums lawfully chargeable on the city or town which ought to be paid within one year, and order a city or town levy of so much as in their opinion is necessary to be raised in that way, in addition to what may be received for licenses and from other sources. The levy so ordered may be upon the male persons in the said city or town above the age of twenty-one years and upon any property therein, and on such other subjects as may at the time be assessed with state taxes against persons residing therein. Whenever in any city or town, whether acting under special charter or general laws, any new street shall be opened or laid out, a street graded and paved, culverts or sewers constructed, or any other public improvement whatsoever made in any city or town in this commonwealth, the council of such city or town may determine what portion, if any, of the expense thereof shall be paid from the treasury of said city or town, and what portion thereof shall be assessed upon the real estate, which in the opinion of the council shall be benefited thereby; but no such public improvement shall be made to be defrayed in whole or in part by a local assessment until first requested by a petition from the owners of the real estate to be affected thereby, or unless three-fourths of the council shall concur in voting such improvement to be expedient or in determining to make said improvement, in which cases no petition shall be necessary. If no petition be filed, the council or a committee thereof to whom the matter shall be referred, shall, before determining that such improvement shall be made in whole or in part at the expense of the persons whose lands, in its opinion, will be thereby benefited, have such person summoned, by at least ten day's notice, to appear before such council or committee, to be heard for or against such improvement. After such hearing, if the council shall determine to have such improvement made, it may order it to be made, and after the work shall be completed it shall designate some officer who shall, upon such principles as may be determined by ordinance or resolution of the council, apportion the total cost and expense of said improvement and report

the proportionate amount thereof it is proposed to assess against each parcel of land benefited thereby. The report of such apportionment shall lie in the office of such officer, or that of the city auditor, twenty days, open to inspection by any person whose property it is proposed to charge with any such assessment. Fifteen days' notice shall be given to each person interested of the existence of such report in the manner provided by law for the service of notice, specifying the amount it is intended shall be borne by a local assessment against the land of such person, and said notice shall cite such person to appear, at a time and place designated, before a committee to be appointed for that purpose, which committee shall consist of not less than three members, when the council is composed of one branch, and a joint committee of not less than five members when the council is composed of two branches, and show cause against the proposed assessment. Such apportionment shall stand as to all persons not appearing and objecting thereto, and shall be a lien on the land so charged, enforceable as are other city taxes against real estate therein. Any person objecting thereto shall appear in person or by attorney at the time and place designated in said notice, and shall be heard at that meeting or at some subsequent one. If the committee shall overrule such objection, then the party shall have the right to appeal from the decision of the committee, within fifteen days from the date of such decision, to the corporation or hustings court of the city, or in case of a town, to the circuit court of the county in which such town is situated. The clerk of the council, when an appeal is taken, shall immediately deliver to the clerk of the court which has cognizance of the appeal the original notice with the judgment of the committee endorsed thereon, and the clerk shall docket the same. Every such appeal shall be tried by the court or the judge thereof in a summary way without pleadings in writing, and without a jury, in term time, or in vacation, upon reasonable notice to the adverse party. All legal evidence produced by either party shall be heard, whether the same was produced or not before committee from whose decision the appeal is taken. The amount so ascertained as proper to be borne by the appellant shall be a lien on the land of such person, enforceable as on other city taxes against real estate therein.

2. This act shall be in force from its passage.

CHAP. 730.—An ACT to incorporate the Virginia union university, in the city of Richmond, Virginia.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That W. W. Landrum, Byron E. Huntly, A. Binga, Henry L. Moorehouse, members of the board of trustees of Richmond theological seminary; M. H. Bixby, Samuel H. Dismond, Mistress J. C. Hartshorn, Mistress

Andrew Comstock, members of the board of trustees of Hartshorn memorial college, and Edward Lathrop, Z. D. Lewis, R. H. Bowling, P. F. Morris, and their successors in office who shall be eligible to be appointed and hold office as hereinafter provided, and who shall be known as the board of trustees of Virginia union university, be, and they are hereby, for the purpose of founding and maintaining a christian institution of learning, constituted a body politic and corporate by the name and style of the Virginia union university, and by that name shall have perpetual succession and shall possess all of the general powers belonging to bodies corporate under the laws of the state of Virginia, and shall have power to use a common seal, which may be altered at the pleasure of said corporators and their successors; to sue and be sued, plead and be impleaded; to acquire property by purchase, gift, exchange, devise or bequest, and to convey the same, the amount or value of such property not to exceed at any one time one million dollars; to receive by gift or bequest and to hold in trust endowment funds and property, real or personal, to be used in the maintenance of christian learning in the said Virginia union university as the donors may designate. And such trusts may continue for such time as may be necessary to accomplish the purposes for which they may be created.

2. The said corporators or board of trustees shall have power to found and maintain, as departments of said university, such colleges, professional schools and schools of mechanical and industrial arts as to them may seem necessary to promote the object for which they are made a body corporate; they shall also have power to receive into affiliation with said university such colleges, professional schools, seminaries or academies located in the state of Virginia as they may deem wise, and upon such conditions as they may from time to time determine; and to confer, subject to such conditions as they may from time to time enact, such honors and such degrees as are conferred by institutions possessing university powers.

3. Richmond theological seminary shall be the theological school, and Hartshorn memorial college shall be the college for women of said university. Each of these institutions shall be under the control and management of its own board of trustees, and shall retain all of the rights, powers, privileges and immunities granted to it by its present charter except as hereinafter provided; and provided, further, that each shall be subject to such general regulations as the said board of trustees of the university shall adopt to regulate such joint work as shall be performed in the higher classes of instruction by the students in the men's and women's colleges, and by the faculties of the colleges and professional schools of the university. The said corporators or board of trustees shall also found and maintain a college, which, as a department of said Virginia union university, shall have the same rank, exercise the same powers, and enjoy the same rights and privileges as Hartshorn memorial college, and shall provide for men the same courses of instruction and do the same work as Hartshorn memorial college shall provide and do for women; and which shall also be under the control and management of a board of nine trustees, five of whom shall be Afro-

Americans, and six of whom shall form a quorum for the transaction of business; each member of said board shall be entitled to one vote, either in person or by proxy, under such regulations as the board of trustees of said university may from time to time establish. At its first meeting this board shall divide its members into three equal classes; the first class shall continue in office one year from June first, eighteen hundred and ninety-six, the second class two years from the same date, and the third class three years. All subsequent appointments of members of the board shall be for three years, except to fill vacancies caused by death, removal or resignation, which shall be only for the unexpired term of the class for which the appointment is made. All members of this board shall be appointed by the board of trustees of said university, the four white members on the nomination of the executive board of the American Baptist home mission society, and the five Afro-American members on the nomination of the regular state convention of the colored Baptist churches of the state of Virginia. The said university board shall, however, have the right to reject any nominations and require that new nominations shall be made; provided that should nominations not be made at the time fixed by by-law, then the said university board shall make the appointments on its own selection without nomination.

4. The board of trustees of said Virginia union university shall consist of fifteen regular members, five of whom shall be Afro-Americans, and of such ex-officio members as are hereinafter provided; nine of the regular members shall form a quorum, and each member of the board, regular and ex-officio, shall be entitled to one vote, either in person or by proxy, under such regulations as the board may establish.

5. All members of said university board, and also of the board of the college for men provided for in section three of this act, shall be members of evangelical churches in good standing, and not less than three-fourths of the members of each of these two boards shall be members of churches now known as regular Baptists.

6. The said corporators or board of trustees, at their first meeting, which shall be held not later than sixty days after the passage of this act, shall organize by electing a president and secretary of their own number, and a treasurer, who may or may not be a member of the board. The term of office of each member of the board shall be five years, but in order that only a part of the members shall retire from office each year, the board shall, at its first meeting, divide itself into five classes of three members each, and shall determine who of its number shall continue in office one year, two years, three years, four years, and five years from June first, eighteen hundred and ninety-six: provided the board shall have power to declare vacant the place of any member who absents himself from two consecutive annual meetings without a satisfactory explanation.

7. The said university board shall be constituted as follows: four members chosen from the trustees of Richmond theological seminary, four members chosen from the trustees of Hartshorn memorial college, four members chosen from the trustees of the college

for men provided for in section three of this act, and three members chosen by said university from persons not members of any one of the three said boards. One of the members chosen from each of the said three boards shall be an Afro-American. The place of any member of the university board shall become vacant when he ceases to be a member of the board from which chosen. All vacancies in said university board of trustees, whether caused by the expiration of the term of office, resignation, or removal, or death, shall be filled by the board itself. In the case of members who shall be chosen from any of the said three boards the appointments shall be made on the nomination of these boards. The said university board shall, however, have the right to reject any nominations and request that new nominations shall be made, but should these boards fail to make nominations the said university board of trustees, after the time fixed by by-law to make nominations has expired, shall make the appointments on its own selection from the members of said three boards. Appointments to fill vacancies caused by resignation, removal, or death shall be for the unexpired term of office.

8. The said board of trustees shall have power to make and establish from time to time such by-laws, rules, and regulations, not contrary to the laws of the state of Virginia or of the United States, as it may deem necessary for the transaction of all its business and for the management of every department of said university. The board shall also have power to appoint and remove the president of the university and such professors, instructors, teachers, and other officers, agents, or servants as it may find necessary to employ in carrying on the work of said university, and to determine the compensation for service of all employees of the university.

9. The corresponding secretary and superintendent of education of the American Baptist home mission society and the chairman and secretary of the board of trustees of each affiliated institution shall be ex-officio members of the board of trustees of said university; and the university in all its departments and its affiliated schools, so long as they receive any pecuniary help from the American Baptist home mission society, shall be subject to visitation by the superintendent of education of the society, and the teachers selected and appointed by each board of trustees shall be subject to approval by the executive board of said society.

10. The treasurer of said university, before entering upon the discharge of his duties, shall give bonds, with such security and in such penalty as the said board of trustees may require, to be made payable to said board of trustees for the time being and their successors, and conditioned on the faithful performance of his duty under such rules and regulations as may be adopted by said board of trustees.

11. The said corporators and their successors in office are forbidden by this charter to encumber by mortgage any part of the said university grounds, buildings, library, apparatus, or furniture, and they are also forbidden to use the principal of any trust or endowment funds for any purpose whatsoever except that for which it is designated by the donors.

12. Inasmuch as the welfare of society and not pecuniary gain is

the object for which this charter is granted, the members of this corporation shall not be counted stockholders in the legal sense of the term, and no dividends or profits shall ever be divided among them, and there shall be no individual or personal liability for corporate debts, but the entire property of said university shall be held liable; provided that neither the property of Richmond theological seminary nor that of Hartshorn memorial college shall be liable for any debts created by the said university board; nor shall the means, income, or corporate property, of whatever kind, be used for any business, speculation, or other purpose than that for which this corporation is created; all property therefor held and used solely for the benevolent purposes set forth in this charter shall be exempt from all state, county, or municipal taxation.

13. Whereas this act has been requested by the Richmond theological seminary and Hartshorn memorial college, its provisions are binding upon each of these institutions.

14. This act shall take effect on its passage.

CHAP. 781.—An ACT to provide for the making and keeping in repair the roads and bridges of Charlotte county.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Charlotte county shall take charge of and have worked and kept in repair all the public roads and bridges heretofore and hereafter established within the limits of said county, and shall have full and exclusive power to open new roads, locate and establish new bridges and change and discontinue existing roads and bridges; and for this purpose the said board of supervisors are authorized and empowered to appropriate, out of the general county levy, whatever amount of money they may deem necessary, and at their annual meeting, when the levy for county purposes is laid, they shall provide in said levy for said amount of money; provided that the sum to be so provided or expended under this act in any one year shall not exceed twenty cents on the hundred dollars of the taxable value of said county.

2. That the board of supervisors may appoint one or more, but not more than five, freeholders of said county, who shall be known as road commissioners, and whose duties shall be such as are hereinafter designated, and such other duties as the board of supervisors shall require of them; their compensation shall be fixed by the said board, but shall not exceed two dollars per day for the time they are actually employed in rendering the service required of them. They shall continue to serve during the pleasure of the board of supervisors.

3. That the several magisterial districts in said county as now laid off shall constitute the several road districts of the county; but the

board of supervisors may at any time change or subdivide these districts and subdivide any road into sections. All the work of repair and improvement shall be equitably apportioned to the roads of the several road districts in proportion to the estimated road mileage in the several districts so far as may be practicable.

4. That the board of supervisors shall determine in what manner the roads of the several road districts, or the several sections of roads or parts thereof, shall be worked, and the bridges repaired and built. They may let to contract the work on any or all of said roads and bridges, or they may employ competent managers and laborers, and purchase or hire the necessary machines, implements, tools, horses and mules to work any and all of the roads and repair and build any and all bridges. They may, if they deem it practicable, secure and utilize the labor of penitentiary convicts and prisoners in the county jail in the work of repairing roads and bridges, or any of them, and they may make all the provisions necessary to secure and use said convicts and prisoners.

5. That the board of supervisors may, whenever they deem it proper, cause any or all of said roads and bridges to be inspected by one or more commissioners to ascertain the condition of the same, the repairs needed, the probable cost of such work, the best method of making said repairs, the manner in which the work on said roads and bridges has been executed, and the expediency of changing or discontinuing any of said roads and bridges, and said board may likewise appoint a committee of its number to make any such examination.

6. That the board of supervisors, when they shall have determined to let to contract the work of repairing or keeping in order any road or bridge, erecting any new bridge, changing any existing road, or opening a new road, shall prepare, or cause to be prepared by one of its commissioners, full and complete specifications of the work to be let to contract, and shall advertise the time and place of letting the same for at least ten days by publication in a newspaper circulated in the county, or by hand-bills posted in the vicinity of the work to be done and at three or more public places in the county. All proposals for said work shall be in writing, and the contract for such work shall be let to the lowest responsible bidder, but the said board of supervisors shall be at liberty to reject any and all of said bids. The said board of supervisors may require of any bidder a bond, with security to be approved by them, in a penalty equal to the amount of his bid, payable to the board of supervisors, conditioned to secure the prompt and proper performance of his contract, and in all cases where the contract price of work exceeds two hundred dollars they shall require such bond of the contractor before letting the contract to him. When a contractor for any such work shall have executed such a bond the board of supervisors may pay for the work as it progresses, but they shall at no time pay more than seventy-five per centum of the value of work actually accomplished by the contractor, and shall reserve the remaining twenty-five per centum of the value of such work until the same is completed to the satisfaction of the board. On contracts for which no sufficient bond

has been given by the contractor the board of supervisors shall make no payment until the work thereunder has been properly completed. Before or after bids for any work to be let to contract has been received by the board of supervisors, and before letting said work to contract, they may, if they deem it expedient, cause said work to be examined by one or more of the commissioners, and hear the testimony of witnesses to ascertain if the acceptance of any of said bids will be advantageous.

7. Every employee of the board of supervisors engaged under this act to whom is paid any money for disbursement shall, before receiving the same, enter into bond, with security to be approved by the board of supervisors, in a penalty at least equal to the largest sum to be so received by him, conditioned to secure the proper application of and accounting for said money. He shall be required to render account and exhibit vouchers for all receipts and disbursements at least once a month, or oftener if required by the board, and no such employee shall be paid any further or other sum for disbursements until he has so accounted for the money theretofore received by him. Every such employee to whom is delivered any implements and tools or other property of the county shall receipt for the same and shall be responsible for the value thereof until and unless he shall return the same.

8. That when board of supervisors deem it proper to inquire into the expediency of discontinuing any road or portions of a road, or any bridge now existing or established, they shall give notice of the time and place of such inquiry by publication in some newspaper circulated in the county or by hand-bills posted at five or more places on the route of said road so to be discontinued or on which the bridge to be so discontinued is located, not less than ten days before such inquiry is held. The board of supervisors shall, in the conduct of such inquiry, hear all evidence in favor of and against such discontinuance and make such order as they may deem proper in the premises. If any person shall consider himself aggrieved by such order of the board of supervisors he may appeal to the county court, but in no such case shall a judgment for the cost of appeal or other cost be rendered against said board or any of the members thereof; provided, however, that any such discontinuance of any road or bridge shall not be deemed an abandonment or relinquishment by the county of the right of way over the route of said road, or of any other right in the premises. Any road or bridge so discontinued may be re-opened and re-established by the board of supervisors by a vote of the majority of all its members.

9. All applications to open and establish new roads and bridges and to change the location of roads and bridges now existing shall be made to the board of supervisors, whose decisions in such matters shall be in accordance with the law now in force, except in so far as it is amended by this act. When any such application is made, or when the board deems it probably expedient to change the location of any existing road or part thereof or bridge, they shall cause an examination to be made by one or more of the commissioners of the route of the new road, or proposed route of the existing road, to as-

certain the expediency and probable cost of and damage to land owners incident to the opening of such new road or change of existing road. Before said commissioners shall assess the damages for lands to be taken for any such road they shall give to the proprietor or proprietors of such lands not less than five days' notice of the time when they will go upon the premises to make such assessment of damages. In making such assessment the said commissioners shall take into consideration the advantages to accrue to such proprietor by reason of the opening or changing of such road. If the proprietor or proprietors of lands so to be taken for such road purposes refuse to accept as compensation for damages to their lands the sums assessed by the commissioners the board of supervisors may either decline to open such new road or change such existing road or bridge, or they may, through the commonwealth's attorney, apply to the county court to have the lands necessary for such road purposes assessed and condemned in the manner now provided by law. If the damage for such lands as ascertained by the county court shall be deemed by the board of supervisors to be excessive, they may refuse to open such new road or to change such existing road or bridge, and no damage to a proprietor of such lands shall be due or payable by the board of supervisors unless and until they shall establish such new road or change such existing road or bridge.

10. The commonwealth's attorney of the county shall attend all meetings of the board of supervisors when matters appertaining to the public roads are acted on ; shall prepare all contracts made by or with the board, and examine all bonds required or taken by the board under this act ; scrutinize all accounts presented to the board for labor, services, supplies, and material furnished for road purposes, and take all necessary and proper action to protect the interests of the county in all such matters. He shall, when required by the board, institute legal proceedings on any and all bonds and contracts on which a liability has been incurred by the obligors and contractor, and shall render to the board of supervisors all reasonable services and assistance that shall be required of him by the board.

11. All notices required by this act to be served or posted shall be served and posted by the sheriff of the county.

12. If the proper discharge of the duties imposed upon them by this act shall require that the board of supervisors shall meet more than the ten days for which compensation is now provided by law, then for each additional meeting the members of said board shall receive the same per diem compensation and mileage as now allowed them ; but no member of said board of supervisors shall receive such additional compensation and mileage for more than five days in any one year.

13. All acts heretofore passed by the general assembly in reference to the public roads of Charlotte county, and all acts or part of acts inconsistent with the provisions of this act, are hereby repealed.

14. This act shall be in force from its passage.

CHAP. 732.—An ACT to punish as for a misdemeanor a person using abusive language to another.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That if any person shall in the presence or hearing of another, curse or abuse such person, or use any violently abusive language to such person concerning himself or any of his female relations, under circumstances reasonably calculated to provoke a breach of the peace, he shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than one dollar, nor more than twenty-five dollars.

CHAP. 733.—An ACT to protect game in the county of Bedford.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to kill partridges or quail (other than on his premises), or to capture or offer for sale quail (or partridges), or destroy their nests or eggs anywhere in the county of Bedford, from the date of the passage of this act until the first day of November, eighteen hundred and ninety-seven.

2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be fined for each offence not less than five nor more than twenty dollars, and in default of payment of fine shall be confined in jail until the same be paid, but not exceeding thirty days.

3. The possession of any quail (or partridges), or their eggs, shall be prima facie evidence of the violation of this act.

4. This act shall be in force from its passage.

CHAP. 734.—An ACT to incorporate the Southside finance company of Virginia

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That Augustine Royall, C. T. Henley, M. L. Van Doren, William G. Venable, and A. D. Watkins, and such other persons as they may associate with them, and their successors, be, and they are hereby, made and constituted a body politic by the name of the Southside finance company of Virginia, and shall have all the powers, rights, and privileges necessary or proper for the purpose of acquiring, holding, and

disposing of state, city, town, county, and other bonds, certificates of stock, promissory notes, and other evidences of indebtedness, personal property, and real estate not exceeding five thousand acres at one time, and may give its own value received obligations or capital stock in exchange or payment therefor, the object of the company being to trade and assist persons in capitalizing their assets, and also in liquidating their indebtedness, and to the latter end shall be competent receivers in chancery proceedings when so appointed by order of court.

2. Any three of the corporators may organize the company, and thereupon it shall have and exercise all the general powers and functions of a corporation, and be subject to all restrictions imposed by laws of the state, except so far as the same may be changed or modified by this act.

3. The capital stock of the company shall not be less than ten thousand dollars nor more than fifty thousand dollars, in shares of the par value of twenty-five dollars each. The principal office of the company shall be in the city of Manchester, and all of the officers and directors shall be tax-payers and residents of the state of Virginia.

4. This act shall be in force from its passage.

CHAP. 735.—An ACT for working, keeping in repair, and building the roads and bridges in Buckingham county.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the judge of the county court of Buckingham county shall take charge of and have kept in repair all the roads and bridges established in said county.

2. Road engineer; his appointment and duties.—The said judge of the county court shall, as soon as possible after the passage of this act, appoint a competent engineer or surveyor, who shall be a resident of the county, and whose duty it shall be to inspect all of the public roads and bridges in the county and report upon their condition, with such plans, specifications, and estimates for working, repairing, or building the same as he may deem best, and such report, plans, specifications, and estimates shall be delivered to the judge of the county court not later than the second Monday in July, eighteen hundred and ninety-six, and semi-annually thereafter, on the second Monday in November and the second Monday in April, and he shall make such other examinations and reports upon the roads and bridges of the county whenever in the opinion of the judge of the county court it may be deemed necessary.

3. His term; qualifications and bond.—The term of office of such road engineer or surveyor shall be two years, commencing on the first day of July next succeeding his appointment. He shall be

appointed bi-ennially prior to the first day of June next preceding the commencement of his term. Said engineer shall qualify and enter into and acknowledge bond before the court or judge before whom he qualifies, with surety to be approved by such judge or court in a penalty at least equal to double the annual allowance for him, and failure to qualify and give bond as aforesaid prior to the first day of July next after his appointment shall vacate his office. Such bond shall be payable to the board of supervisors of the county, with condition for the faithful discharge of his duties. A vacancy in the office of road engineer shall be filled by the judge of the county court, and in case of a vacancy when the office has been filled partly by one engineer and partly by another in any one year the annual compensation shall be apportioned between them by the judge of the county court in such manner as may be just. A recovery on such bond shall be for the benefit of the county road fund.

4. Pay of road engineer; by whom fixed.—The judge of the county court shall fix the amount of compensation which the engineer of roads shall be entitled to receive per annum, but in no case shall the compensation exceed one hundred and twenty dollars per annum.

5. Road superintendents; their appointment and duties.—There shall be appointed by the judge of the county court a road superintendent for every election district, who shall be a resident and voter thereof, and whose duty it shall be to superintend and direct the repairs and keeping in order and building all county roads and bridges within his election district in such manner and under such regulations and restrictions as may be prescribed by the judge of the county court.

6. Their terms, qualification and bonds; how vacancies filled.—The term of office of such road superintendents shall be two years, commencing on the first day of July next succeeding their appointment. They shall be appointed bi-ennially prior to the first day of June next preceding the commencement of their term. Said superintendents shall qualify as other district officers are required by law to qualify, and each of them shall enter into and acknowledge bond before the court or judge before whom he qualifies, with surety to be approved by such judge or court, in a penalty at least equal to double the annual allowance made for him; and failure to qualify and give bond as aforesaid prior to the first day of July next after his appointment shall vacate his office. Such bond shall be payable to the board of supervisors of the county and with condition for the faithful discharge of his duties. A vacancy in the office of road superintendent shall be filled by the judge of the county court, and in the case of a vacancy where the office has been filled partly by one superintendent and partly by another in any one year the annual compensation shall be apportioned between them by the said judge of the county court in such manner as may be just. A recovery on any such bond shall be for the benefit of his road district.

7. The judge of the county court to prescribe rules and plans for working roads, and so forth.—The judge of the county court shall examine the plans, specifications and estimates for working, repairing and building the roads and bridges furnished by the road engi-

neer, and shall select therefrom such plans and specifications as he may deem best, and prescribe such restrictions and directions as he shall deem best for the working, keeping in order, repairing and building the roads and bridges in the several districts in the county, including any special plans, specifications, restrictions or directions which he may prescribe for particular roads or bridges, and said plans, specifications, restrictions or directions shall be noted upon the records of the board of supervisors, and a copy thereof shall be given to each road superintendent by the clerk of said board.

8. Pay of road superintendent; when and by whom fixed.—The judge of the county court shall determine the amount of compensation (according to the plans he shall adopt) which each superintendent shall be entitled to receive per annum, taking into consideration in fixing the compensation the reasonable amount of labor and supervision to be performed in each district. Such compensation shall be fixed at least thirty days prior to his appointment, and shall not be increased or diminished during his term of office unless the appropriation or expenditure for roads and bridges in his district be increased or diminished during his term, and shall not be less than thirty or more than one hundred dollars for any one year for any one district.

9. Notice thereof to be given.—The judge of the county court, at least twenty days prior to any such appointment, shall give notice of the amount of such compensation either by publishing or posting the same, and such notice shall include a brief statement of any requirement as to any particular road or bridge.

10. Apportionment of roads which divide districts.—Where public roads form dividing lines between election districts the judge of the county court shall divide such roads between the superintendents in contiguous districts as he may deem best.

11. When judge of county court may remove road engineer and superintendents.—The judge of the county court shall have power to remove the road engineer or any superintendent any time during his term of office for neglect of duty or malfeasance in office.

12. Judge of county court shall require inspection of roads and bridges.—It shall be the duty of the judge of the county court to keep himself informed as to the condition of the public roads and bridges in the county, the manner in which they are worked and kept in repair, and whether or not the superintendents of the several districts have fully performed their duty, and for that purpose he shall require the road engineer to inspect all the roads and bridges in the county at least once in every six months, and make a report in writing thereon to the judge of the county court on the second Monday in November and the second Monday in April in each year, and file the same in the clerk's office of the county court.

13. Annual report of superintendents.—Each superintendent shall annually at such time as the judge of the county court may determine, report to him on oath the general condition of the public roads and bridges in his district; the amount of money or labor, or both, expended or performed on said roads and bridges, and in the employment of contractors, laborers or materials, and such other matters

relative thereto as the judge of the county court shall suggest and require.

14. When to receive their pay.—When such report has been made and the judge of the county court is satisfied that the superintendent has fully discharged his duties as such it shall be the duty of the judge of the county court to certify the same to the board of supervisors, and then, and not before, the board of supervisors shall issue the warrant to him for the amount of his compensation.

15. Penalty on superintendents.—Every superintendent shall be liable to prosecution for any neglect of duty or malfeasance in office, and upon conviction shall be fined in each case not less than five nor more than fifty dollars, and the semi-annual report of the road engineers required by the provisions of this act may be taken as evidence on which to found any such prosecution.

16. Levy of road tax; how limited; how collected and expended.—The board of supervisors of the county shall annually levy, along with the county levy, a tax upon the property, real and personal, assessed for taxation in the several magisterial districts of their county, which shall be applied to the working, keeping in order and repairing the public roads and bridges in such district, and the compensation of the road engineer, superintendents and county judge provided for by this act. Such tax shall be not less than ten or more than twenty cents upon every one hundred dollars in value of said property, and the same shall be collected, accounted for and paid out on the warrant of the board as if it were a county levy, except that the fund collected from each magisterial district shall be kept separate by the county treasurer, and a different rate of tax may be prescribed for different districts in the same county. The amount collected in each district shall be expended thereon.

17. Condition in which superintendents shall keep roads; sign-boards; foot and other bridges.—Every such superintendent subject to the control, specifications and directions of the judge of the county court, as hereinbefore provided, shall cause the roads in his precinct to be kept cleared, smoothed of rock and obstructions, of necessary width, well drained, and otherwise in good order and secure from falling of dead timber therein; and shall cause to be placed and kept at the fork or crossing of every road a sign-board, on which shall be stated in plain letters the most noted place to which each road leads; and across every stream, when it is necessary and practicable, a sufficient bench-bridge or log for the accommodation of foot passengers. When any more important bridge or causeway is necessary, and it is practicable for him to have it made, he shall, subject to the control, specifications and directions aforesaid, cause it to be made twelve feet broad at least, and safe and convenient, and cause every bridge or causeway in his district to be kept in as good order as the means in his power will permit.

18. Schedule prices for team and implements.—The judge of the county court shall from time to time fix the price allowed for the use of teams, plows and other implements on public roads, and prepare a schedule thereof, a copy of which shall be delivered to the clerk of the board of supervisors to be filed, and a copy shall be de-

livered to each superintendent by the said clerk; provided that no price be allowed for the use of any implement the market value of which does not exceed one dollar. Upon application of a superintendent, certified by the judge of the county court, such tools as may be necessary to keep his road in order shall be furnished him by the board of supervisors.

19. Material for roads and bridges; how procured.—The superintendent of any district may take from any convenient lands so much wood, stone, gravel, or earth as may be necessary to be used in constructing or repairing any road, bridge, or causeway therein, and may for the purpose of draining the road cause a ditch to be cut through any lands adjoining the same; provided, such wood and other articles be not taken from and such ditch be not cut through any lot in a town, yard, or garden without the consent of the owner.

20. Compensation to owner in such case.—If the owner or tenant of any such lands shall think himself injured thereby, a justice, upon application to him, shall issue a warrant to three freeholders requiring them to view the said lands and ascertain what is a just compensation to such owner or tenant for the damage to him by reason of anything done under the preceding section. The said freeholders, after being sworn, shall accordingly ascertain such compensation, and report the same to the judge of the county court during term, and an allowance shall be made therefor in the next county levy.

21. When court may authorize additional expenditures for materials and labor.—When great and unforeseen damage casually occurs to any road, or when any superintendent is unable with the means and labor at his disposal to keep his road in good order, he may apply to the county court for authority to purchase material or implements, or to hire such additional labor or teams as may be necessary to repair such damage or keep his road in order, and such court may authorize him to expend such amount as to it shall seem proper for such purpose; provided, however, that the application shall be approved, in writing, by the road engineer. Such superintendent shall return to the court a particular account, on oath, of all the expenses so incurred, and if the same be approved by the road engineer and the court is satisfied of the correctness of the account, it shall allow the same, or so much thereof as may be proper, to be paid out of the county fund.

22. Pay of clerk of board of supervisors.—The clerk of the board of supervisors shall receive for the duties to be performed by him under the provisions of this act compensation to be fixed and allowed to him by the said board not to exceed twenty-five dollars per annum.

23. Pay of the judge of the county court.—The judge of the county court shall receive for the duties to be performed by him under this act the compensation of fifty dollars per annum.

24. Claims for labor; material; how paid.—All claims for labor performed or material furnished on roads or bridges shall contain itemized statements of the amounts under oath, and shall be certified by the superintendent of the district in which the work was done or material furnished when presented to the board of supervisors before they shall issue a warrant therefor.

25. The said judge of the county court shall have power and he is hereby authorized to employ upon the county roads, or any portion thereof, all vagrants and criminals confined in the county jail, and all persons confined in said jail in default of the payment of fines imposed upon them, said parties to be worked under the supervision of said superintendent under such rules and regulations as the judge of the county court may prescribe. But in such case the board, maintenance, and cost of guarding such persons when necessary shall be paid for out of the road tax for the district in which they are worked for the time being, and shall not be charged upon the state, as now provided by law, in case they remain in jail and are not worked upon roads as aforesaid.

26. The road tax levied for the year eighteen hundred and ninety-six shall be used and expended by the board of supervisors in accordance with the provisions of this act.

27. The existing laws regarding the foregoing subjects shall be, and they are hereby, repealed in so far as they are applicable to the county of Buckingham.

28. This act shall be in force from its passage.

CHAP. 736.—An ACT to provide for the working and keeping in repair the public roads and bridges in the counties of Northumberland and Westmoreland.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the boards of supervisors of the counties of Northumberland and Westmoreland, respectively, shall have full charge of the working and keeping in repair of all public roads and bridges within said counties, and may do so either by the contract system or by the system of hiring day labor, as to them may seem best, and to this end may adopt such regulations as are necessary and expedient.

2. The said board of supervisors, in their respective counties aforesaid, are authorized and empowered to annually levy and fix, along with the county levy, a tax upon all the property assessed for taxation in the several magisterial districts of the said counties, not exceeding in any one year twenty cents upon the hundred dollars assessed value of taxable property in said magisterial districts within the respective counties, and this tax shall be known as the road tax. The county treasurer of each of the said counties shall keep separate the funds that are collected from this tax in each of the magisterial districts and shall pay out the same upon the warrants of said boards, and a different rate of tax may be prescribed for different districts within the same county. The tax shall be expended within the same magisterial district in which it was collected.

3. Whenever, in the discretion of the boards of supervisors of each of the said counties, the contract system is to be used, it shall be their duty at any regular meeting which they may agree upon to proceed

to advertise in such manner as may seem best to them for proposals for working and keeping in repair the public roads and bridges of their respective counties, and when such proposals shall have been received they shall proceed to award contracts, for a period not exceeding five years, to the lowest responsible bidders, who shall furnish bond, with approved security, for the faithful and efficient performance of the work: provided that in the absence of any bids for the working of the roads in any district the contract may be awarded to some responsible person within said district, for such a sum as the board of supervisors may agree upon, in which case the person receiving the contract shall give bond and security similar to that required in cases where bids have been submitted. The work shall be done and the same paid for in accordance with such regulations as the boards of supervisors of the said counties may determine upon. Each member of the board of supervisors of the respective counties shall be the inspector of the roads within his own magisterial district, and it shall be his duty twice each year to inspect the work done upon the various roads within his district, and shall report to the board of supervisors at their next regular meeting succeeding such inspection whether the work has been properly done and whether the contracts made under this act are being complied with. For this service each supervisor shall receive the sum of one dollar.

(b) Nothing in this act shall be construed as impairing the obligation of any contract heretofore made by the boards of supervisors of either of the counties aforesaid relating to the working of the public roads within the respective counties.

4. (a) Whenever, in the judgment of the board of supervisors of each of the said counties, it is desirable to work the roads in any district within the respective counties other than by the contract system, they shall have power to employ some responsible person who resides in the district in which the work is desired to be done, who shall be the superintendent of the work and attend to the hiring of so many men at the rate of seventy-five cents per day as are required to perform the necessary labor, and this superintendent shall receive for summoning hands to work on the public roads in his district a sum not to exceed five cents for each hand summoned, and he shall receive in addition thereto the sum of one dollar per day for each day that he may superintend the working of the roads. Every superintendent shall present to the county court at its next regular term succeeding the completion of the work his account for services, together with a full list of the men who have performed work upon the roads in his district in obedience to call, an itemized statement of the time engaged, and the amount respectively due for such work, and also a statement of the number of teams, wagons, carts, plows and such other implements used, by whom furnished, the amount due for each, and time actually employed in work, together with all expenses incurred by him in working the roads under his charge. This return shall be sworn to before the court by the superintendent at the time it is made, and the court may, if it deem it necessary, require any other evidence as to its correctness. No such return shall be passed upon less it is in proper form. Such return may be

approved by the court in whole or in part, or it may reject the same in toto. If approved in any way it shall, as approved, be certified by the court to the board of supervisors, which shall issue the proper warrants upon the county treasurer for payment of amounts due.

(b) It shall be the duty of the board of supervisors to carefully scrutinize each return so certified, and if, from the knowledge of any member or from other evidence not known to the court at the time of return, there be any reason why any return or any part thereof should not be allowed, the board shall send the same back to the court at the next term, giving reasons in writing for its action. In such case the court may take such action as it may deem proper and necessary, and if it allows the same in whole or in part shall again certify the return to the said board for payment as aforesaid.

(c) A day for work mentioned in this act shall not be less than eight hours.

(d) All warrants issued by virtue of this act shall be received in payment of all dues and demands held by the county against the legal holder thereof, except what may be due for county or district free school purposes.

5. The clerk of the board of supervisors of the respective counties aforesaid shall receive for his services in performing the duties imposed by this act the sum of five dollars per annum.

6. All acts and parts of acts in conflict with this act are hereby repealed, and especially an act entitled an act to provide for working the county roads of Northumberland and Westmoreland counties, approved March first, eighteen hundred and ninety-four.

7. This act shall be in force from its passage.

CHAP. 737.—An ACT to prohibit the catching of fish by any person other than the owner in any private pond or stream in Southampton county.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to set any fike, seine, trap, or any other apparatus for the purpose of catching fish or to catch fish in any other manner in any private pond or stream of water in Southampton county, Virginia, after such person has been warned by the owner of said pond or stream, or by his or her agent, not to set said above-mentioned devices for catching fish, or not to attempt by any means to catch fish in said pond or ponds or streams, nor after the owner of said pond or stream, or his or her agent has posted, in at least two or more conspicuous places near said pond or stream, notices that can be easily read, warning all persons not to catch fish by any means from said pond or stream. Any person violating this act shall be deemed guilty of a misdemeanor, and be punished by a fine of not less than five dollars and not more than fifty dollars.

2. This act shall be in force from its passage.

CHAP. 738.—An ACT to authorize the trustees to sell the Boring's chapel church property in Lee county.

Approved March 4, 1896.

Whereas the Boring's chapel congregation of the Methodist Episcopal church, south, in Lee county, Virginia, has become almost extinct; and

Whereas the church property belonging to said congregation known as Boring's chapel, is not used any longer by said congregation; and

Whereas it is desirable that some other denomination or person become the owner of said property; and

Whereas Arthur C. Ely and John McClure are the only two surviving trustees of said church property; and

Whereas there is being built a Methodist Episcopal church, south, congregation at Beech Spring in said county, known as Ely's chapel; therefore,

1. Be it enacted by the general assembly of Virginia, That the said trustees are hereby authorized and empowered to sell the said Boring's chapel church (consisting of the meeting-house and the land belonging thereto) to any other religious denomination or other person, to be held, kept, and used by them or him as to them may seem proper, and to make a proper deed conveying the same to the purchaser, and shall pay over the net proceeds of such sale to the trustees of the church property of Ely's chapel congregation at Beech Spring, to be used for the benefit of said last mentioned congregation.

2. This act shall be in force from its passage.

CHAP. 739.—An ACT to amend and re-enact section 28 of chapter 244 of an act approved March 6, 1890, imposing a tax on peddlers of coal and wood in the city of Richmond and Henrico county.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-eight of chapter two hundred and forty-four of an act approved March sixth, eighteen hundred and ninety, entitled an act to provide for the assessment of taxes on persons, property, and incomes, and on licenses to transact business, and imposing taxes thereon for the support of the government and public free schools and to pay the interest on the public debt, and prescribing the mode of obtaining licenses to sell wine, ardent spirits, malt liquors, or any mixture thereof, in cases where a court certificate is required, be amended and re-enacted so as to read as follows:

§ 28. Merchant's license.—For every license to a merchant or mercantile firm the amount to be paid shall be graduated as follows: If

the amount of purchases shall not exceed one thousand dollars, the amount shall be five dollars. When purchases exceed one thousand dollars but do not exceed two thousand dollars, the amount shall be ten dollars; and for all purchases over two thousand dollars and less than fifty thousand dollars, there shall be paid thirty cents on the one hundred dollars; and upon all the purchases over fifty thousand dollars there shall be paid ten cents on every hundred dollars in excess of fifty thousand dollars. The sums imposed under and by virtue of this section shall be in lieu of all taxes for state purposes on the capital actually employed by said merchant or mercantile firm in said business. The word "capital" shall include only the actual amount invested by such merchant or mercantile firm in goods, wares, and merchandise constituting stock in trade; all other property held by such merchant or firm shall be listed and taxed as other property. The sums required by this section to be paid when the license is taken out shall be collected in the same manner that the amounts required to be paid for other licenses are collected. If, after the close of the year for which his license issued, the merchant should elect not to renew it, but desires the privilege to sell whatever remnant of purchases he may have on hand at the time, it may be lawful for him to do so upon the payment for a license upon said remnant of merchandise, to be regarded for purposes of revenue as purchases. Merchant tailors, lumber merchants, furniture merchants, butchers, green grocers, hucksters, dealers in coal, ice, or wood shall be embraced in this section; but dealers in coal, wood, or ice paying license tax under this section may peddle the same from vehicles without paying additional tax. But nothing in this section shall be so construed as to require a license of any person who may canvass any county or corporation to buy lambs, pigs, calves, fowls, eggs, butter, and such like small matters of subsistence designed as food for man, but any person who shall keep a place of business for the purpose of selling such articles in or within a half mile of any city or town in the state shall take out a license therefor as herein prescribed; provided that dealers in coal and wood in the city of Richmond and Henrico county who peddle the same from vehicles shall pay an additional tax of fifty dollars.

2. This act shall be in force from its passage.

CHAP. 740.—An ACT to incorporate the Tidewater telephone company.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That C. W. Grandy, Thomas H. Willcox, Richard B. Tunstall, Thomas R. Borland, and Alfred P. Thom, and such other persons as they may associate with them, and their successors, be, and they hereby are, incorporated and created and made a body corporate under the name of the

Tidewater telephone company, for the purpose of constructing, equipping, maintaining and operating a line or lines of telephones, with the necessary and convenient exchanges, in the city of Norfolk, and in the counties of Norfolk and Princess Anne, in the state of Virginia, or any or either of them, and as such corporation they shall have all the general powers and be subject to all the general restrictions conferred and imposed by the laws of Virginia now or hereafter in force as to corporations and chartered companies.

2. The capital stock of said company shall not be less than five thousand dollars nor more than one hundred thousand dollars, divided into shares of one hundred dollars each; and it shall not be necessary to give any notice of the opening of subscriptions to said stock, but the same may be subscribed in such manner and at such times as a majority of said corporators shall determine.

3. When the minimum amount of capital stock shall have been subscribed the subscribers may meet upon such notice as the said corporators, or a majority of them, shall determine, and elect a president and board of directors, and such other officers as they may deem best. At such meeting each subscriber may in person or by proxy cast one vote for each one hundred dollars of stock subscribed for by him. The board of directors may consist of any number that the subscribers or stockholders may from time to time determine. After such election the said company shall be thereupon deemed duly organized, and the board may proceed to adopt by-laws for the conduct of the company and take such further action as the interest of the company may in their judgment require. General or annual meetings of the stockholders may be held on such notice as may from time to time be prescribed by the board of directors, such notice to be published for the length of time fixed by said board in one or more newspapers published in the city of Norfolk.

4. The said company shall have power to erect and maintain poles and wires on the streets of the city of Norfolk, provided the consent of the city council be first obtained, and to erect and maintain poles and wires along the public roads of the counties of Norfolk and Princess Anne, subject to the approval and supervision of the board of supervisors and of the county court of said counties respectively, subject to the fee-simple rights of adjacent landowners. It shall also have power to lay cables under the waters of the Elizabeth river, provided the same do not obstruct or interfere with navigation.

5. The said company shall have power to connect or make traffic arrangements for the interchange of business with any other telephone or telegraph company or companies heretofore or hereafter incorporated, and may acquire and hold the necessary and convenient patents and property.

6. The said company shall have power to borrow money for its purposes and to issue its notes or bonds therefor, and to secure the same by mortgage or deed of trust upon its property works, and franchises, or otherwise.

7. This act is subject to the proviso that work hereunder shall be commenced within two years, and the said company be in operation

within three years from and after the passage of this act, and all taxes or demands due or to become due to the state of Virginia must be paid in lawful currency of the United States, and not in coupons. The general assembly reserves the right to amend, alter or repeal this charter.

8. This act shall be in force from its passage.

CHAP. 741.—An ACT to regulate and license pawnbrokers, and to regulate junkdealers and dealers in second-hand personal property in the cities of Virginia and county of Henrico.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the judge of the hustings or corporation court of any city, and the judge of the county court of Henrico county may from time to time grant licenses under their hands and seals to such persons, citizens of the United States, as shall produce to them satisfactory evidence of their good character to exercise or carry on the business of a pawnbroker in their respective cities and county, which license shall designate the building in which said person shall carry on said business; and no person shall exercise or carry on the business of a pawnbroker without being duly licensed by the judge of the hustings or corporation court of the city in which he may desire to carry on said business, or of the county court of Henrico county, nor in any other building than the one designated in said license, except by the consent, in writing, of such judge, under the penalty of fifty dollars for each day he or she shall exercise or carry on said business without such license, or in any other building than the one so designated, except by the consent of the such judge as aforesaid. Any person, corporation, member, or members of a corporation or firm who loans money on deposits or pledge on personal property or other valuable thing other than securities or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable thing, on condition of selling the same back again at a stipulated price, is hereby declared and defined to be a pawnbroker.

2. That every person so licensed shall, at the time of receiving such license and before the same shall be operative, enter, with two sufficient sureties, into a joint and several recognizance to the commonwealth of Virginia in the penal sum of twenty-five hundred dollars, conditioned for the due observance of all such acts of the general assembly of Virginia as may be passed or in force respecting pawnbrokers at any time during the continuance of such license. If any person shall be aggrieved by the misconduct of any such licensed pawnbroker and shall recover judgment against him therefor, such person may, after the return unsatisfied either in whole or part of any execution issued upon said judgment, maintain an action in his own name upon the bond of said pawnbroker in

any court having jurisdiction of the amount claimed; provided such court shall, upon application made for the purpose, grant such leave to prosecute.

3. That every pawnbroker shall keep a book, in which shall be fairly written at the time of each loan an accurate account and description of the goods, article or thing pawned or pledged, the amount of money loaned thereon at the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging the said goods, article, or thing, together with a particular description of such person, including complexion, color of eyes and hair, and his or her height and general appearance.

4. That every pawnbroker shall at the time of each loan deliver to the person pawning or pledging any goods, article, or thing a memorandum or note, signed by him or her, containing the substance of the entry required to be made in his or her book by the last preceding section, except as to the description of the person, and no charge shall be made or received by any pawnbroker for any such entry, memorandum, or note.

5. That said books shall at all reasonable times be open to the inspection of the judges of the criminal courts, the chief of police, and captains and sergeants of the police of the city or county wherein said business is being conducted, or any or either of them, sergeant and sheriff of such city or county or other officer with police jurisdiction.

6. That no pawnbroker shall sell any pawn or pledge until the same shall have remained four months in his or her possession, unless by consent in writing of the pawner, and all such sales shall be made at public auction and not otherwise, and shall be made or conducted by such auctioneers as shall be designated and approved of for that purpose by the said judge above mentioned.

7. That notice of every such sale shall be published for at least five days previous thereto in one or more of the daily newspapers of general circulation printed in such city. Those doing business in Henrico county shall advertise as above in some newspaper published in the city of Richmond, and such notice shall specify the time and place at which such sale is to take place, the name of the auctioneer by whom the same is to be conducted, and a description of the articles to be sold.

8. That the surplus money, if any, arising from any such sale, after deducting the amount of the loan, the interest then due on the same, and the expenses of the advertisement and sale, shall be paid over by the pawnbroker to the person who would be entitled to redeem the pledge in case no such sale had taken place.

9. That any pawnbroker who shall violate or neglect or refuse to comply with any or either of the provisions of this act, except those contained in section one, shall, for every such offence, upon conviction before a court of competent jurisdiction, pay a fine of not more than one hundred dollars, for the use of the city or county wherein his said business is being conducted.

10. That no pawnbroker shall ask, demand or receive a greater

rate of interest than ten per centum per month on amounts of twenty-five dollars or less, five per centum per month on amounts over twenty-five dollars and less than one hundred dollars, and three per centum per month on amounts of one hundred dollars or more on any loan secured by pledge of personal property, under penalty of one hundred dollars for every such offence, to be recovered for the use of the city or county wherein such business is being conducted: provided, however, that where the loan is secured by the pledge of personal property requiring extra care to prevent injury during disuse, a pawnbroker may charge such reasonable sum for storing or taking care of the same as the judge of said court may from time to time prescribe.

11. That all prosecutions under this act shall be upon the information of the attorney for the commonwealth, and in the name of the city or county wherein such business is being conducted: provided, however, that the provisions of this act shall not apply to dealers in second-hand books or to the business of dealing in second-hand books.

12. Police regulations.—Every pawnbroker, junk dealer, or person engaged in the second-hand clothing business in any city in this commonwealth or the county of Henrico, shall keep at his place of business a book or books in which shall be fairly written in English, at the time of each loan or transaction in the course of his business, an accurate account of such loan or transaction (except in the case of junk dealers as to the purchase of rags, bones, old iron and paper), setting forth the description of the goods, article, or thing pawned, purchased, or received on account of money loaned thereon or paid therefor; the time of receiving the same; the name and residence of the person pawning, selling, or delivering the same; the terms and conditions of loan, purchase, or receipt thereof, including the period for which any such loan may be made, and all other facts and circumstances respecting such loan, purchase, or receipt, which said book or books shall at all times be subject to the inspection of the officers mentioned in section five of this act; provided, however, that this act shall not apply to articles bought without the state of Virginia.

13. That no property of any kind received on deposit, purchased, or pledged by any pawnbroker shall be disfigured or its identity destroyed or effected in any manner whatsoever, so long as it continues in pawn or in the possession of such pawnbroker, nor shall such property be in any manner concealed for the space of forty-eight hours after the same shall have been received by such pawnbroker.

14. It shall be the duty of every pawnbroker, junk dealer or person engaged in the second-hand clothing business, and of every person in the employ of such, to admit to his premises at any time any officer mentioned in section five of this act to examine any pledge or pawn-book or other record on the premises, as well as the articles pledged, purchased or received, and to search for and take into possession any article known by him to be missing, or known or believed by him to have been stolen, without the formality of the writ of search warrant or any other process, which search or seizure is hereby authorized.

15. The following regulation is hereby made for storing or taking care to prevent injury during disuse on blankets, clothing, carpets, furs, rugs, dress goods, cloths, mirrors, oil paintings, glass and china ware, pianos, organs, curtains, bedding and upholstered furniture: Pawnbrokers shall be allowed to charge two per centum per month in addition to the regular charges for the first three months, or part thereof, such goods shall remain as pledge for money advanced.

16. That every pawnbroker, junk dealer or person engaged in the second-hand clothing business shall be liable to all the penalties hereinafter provided for violation of any of the provisions of this article, whether such violations be committed by himself or by any one, his agent, clerk or employee.

17. Every person, as hereinbefore provided, who shall be convicted of violating any of the provisions of this article shall, for the first offence, forfeit and pay a penalty not exceeding twenty-five dollars, and for a second or other subsequent offence pay such penalty, and in addition forfeit his license, in the discretion of the judge of the hustings or corporation court of such city or county court of Henrico.

18. Every person liable to a license tax as junk dealer or dealer in second-hand personal property of any kind whatsoever in any said city or said county who shall fail to pay the said license tax before engaging in the business for which the license tax may be required, shall, in addition to the license tax imposed, pay a fine or penalty of not less than five nor more than fifty dollars for each offence, to be imposed and collected as other license taxes due such city or county are imposed and collected.

19. That all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed.

20. This act shall be in force on and after May first, eighteen hundred and ninety-six.

CHAP. 742.—An ACT to incorporate the Northern Neck mutual fire insurance company of Virginia.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That W. McDonald Lee, John C. Ewell, William A. Jones, William J. Newbill, Howard Hathaway, Romulas M. Sanders, John A. Palmer, Frederick W. Claybrook, L. D. Stoneham, Frank W. Lewis, Robert O. Norris, Asa Rice, Lloyd T. Smith, George N. Reed, J. W. Tankard, Edwin Brown, junior, Benjamin Chambers, Eli Sharp, William Y. Morgan, George A. Richardson, Oscar M. Lemonie, William R. Omohundro, T. E. Puller, William W. Walker, Thomas Brown, C. Conway Baker, Richard A. Claybrook, C. C. Thrift, Robert Murphy, J. E. T. Hunter, W. W. Stiff, H. Tayloe Washington, D. H. Griffith, F. F. Ninde, Charles H. Ashton, John T. Minor, J. Sydnor Massey, A. Randolph Howard, and their associates, together with all persons who may

hereafter become members of this corporation, are hereby created and declared a body politic and corporate under the name and style of the Northern Neck mutual fire association of Virginia, and by this name shall have perpetual succession, and may sue and be sued, plead and be impleaded, and make, have, and use a common seal.

2. The said association hereby created shall have power to insure on the mutual plan dwelling-houses, barns, and other buildings, with their contents, and horses, mules, and cattle of persons holding policies in the association against loss by fire or lightning upon such terms and conditions as may be fixed by the by-laws of the association.

3. The capital of the association shall not be more than ten thousand dollars, to be divided into shares of one hundred dollars each.

4. Said association shall have power to make all necessary rules, regulations, and by-laws for its government and the proper conduct of its business not inconsistent with the laws of this state.

5. The officers of the association shall for the first year consist of John C. Ewell, president and director; F. L. Crocker, secretary and director; W. J. Newbill, treasurer and director; W. McDonald Lee, general manager and director; W. A. Jones, director; Asa Rice, director; W. W. Walker, director.

6. The principal office of said association shall be in Irvington, Lancaster county, Virginia, and it may have branch offices in such other counties of this state as to it may seem fit.

7. It shall have power to acquire and hold, by gift or purchase, or otherwise, real estate in this state not exceeding five hundred acres.

8. All taxes and debts due, or to become due, to the state of Virginia by the association shall be paid in lawful money of the United States, and not in coupons.

9. The general assembly of Virginia reserves the right to alter, amend, or repeal this charter at any time.

10. This act shall be in force from its passage.

CHAP. 743.—An ACT to amend and re-enact section 814 of the code of Virginia as amended by an act approved 23d February, 1894, prescribing the penalties of bonds of county officials.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That section eight hundred and fourteen of the code of Virginia as amended and re-enacted by an act entitled an act to amend and re-enact section eight hundred and fourteen of the code of Virginia as to bonds of officers, touching the bond of a supervisor in Northampton county, approved February twenty-third, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 814. Bonds of officers.—Every county treasurer, sheriff of a county, clerk of a county or corporation court (who is also ex-officio

the clerk of the circuit court of the county or corporation), every separate clerk of a county, corporation, or circuit court; the clerk of the hustings court of the city of Richmond, the clerk of the chancery court of the said city, every commissioner of the revenue, superintendent of the poor, county surveyor, supervisor, constable, and overseer of the poor, shall at the time he qualifies give such bond as is prescribed by section one hundred and seventy-seven. The penalty of the bond of each officer to be determined within the limits herein prescribed by the court or judge before whom he qualifies shall be as follows: Of the bond of the county treasurer, not less than double the amount to be received annually by him, except that the penalty of the bond of the treasurer of Nansemond county shall be such as the county court of that county or the judge thereof shall require, but not less than the full amount to be received annually by such treasurer. Of the bond of the sheriff of a county, not less than ten thousand nor more than sixty thousand dollars. Of the bond of the clerk of a county or corporation court (who is also ex-officio clerk of the circuit court of the county or corporation), not less than three thousand nor more than ten thousand dollars, and the bond of such clerk of the county or corporation court shall bind him and his sureties not only for the faithful discharge of his duties as the clerk of said court, but also for the faithful discharge of his duties as the clerk of the said circuit court in like manner and with the same effect as if it was so expressed in the condition of his said bond. Of the bond of the separate clerk of a county, corporation, or circuit court; of the clerk of the hustings court of the city of Richmond, and of the clerk of the chancery court of the said city, each not less than three thousand nor more than ten thousand dollars. Of the bond of the commissioner of the revenue, three thousand dollars. Of the bond of the superintendent of the poor, not less than four thousand dollars. Of the bond of the county surveyor, not less than two thousand dollars. Of the bond of a supervisor, not less than one thousand nor more than two thousand five hundred dollars, except as to the county of Northampton, when the penalty of the bond of a supervisor may, in the discretion of the judge of the county court, be fixed in a sum not exceeding five thousand dollars. Of the bond of a constable, not less than two thousand dollars; and of the bond of an overseer of the poor, double the amount that will annually pass through his hands as such overseer—not less, in any case, than five hundred dollars.

2. This act shall be in force from its passage.

CHAP. 744.—An ACT to authorize the governor to appoint a board of commissioners for the promotion of the uniformity of legislation in the United States.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That within thirty days after the passage of this act the governor shall appoint

three commissioners, who are hereby constituted a board of commissioners by the name and style of commissioners for the promotion of uniformity of legislation in the United States. It shall be the duty of said commission to examine the subject of marriage and divorce, insolvency, the form of notarial certificates, descent and distribution of property, acknowledgment of deeds, execution and probate of wills, and other subjects on which uniformity is desirable, to ascertain the best means to effect uniformity in the laws of the states, and to represent the state of Virginia in conventions of like commissions heretofore appointed, or to be appointed, by other states; to consider and draft uniform laws to be submitted for approval and adoption of the several states, and to devise and recommend such other course or action as shall best accomplish the purpose of this act. The term of office of said commissioners shall be two years. The said commissioners shall receive no compensation for their services but their necessary travelling expenses in effecting the object of this act, not to exceed fifty dollars each per annum, which shall be paid out of any fund not otherwise appropriated, when the account for the same has been approved by the governor.

2. This act shall be in force from its passage.

CHAP. 745.—An ACT to amend and re-enact section 3780 of the code in relation to carrying concealed weapons.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-seven hundred and eighty of the code be amended and re-enacted so as to read as follows:

§ 3780. Carrying concealed weapons; how punished; forfeiture and sale of weapons.—If any person carry about his person, hid from common observation, any pistol, dirk, bowie-knife, razor, slung-shot or any weapon of like kind, he shall be fined not less than twenty dollars nor more than one hundred dollars, *or be committed to jail not more than thirty days, or both in the discretion of the court or jury trying the case*, and such pistol, dirk, bowie-knife, razor, slung-shot, or any weapon of like kind shall be forfeited to the commonwealth and may be seized by an officer as forfeited. Upon conviction of the offender, the same shall be sold by the officer and the proceeds accounted for and paid over as provided in section twenty-one hundred and ninety; provided that this section shall not apply to any police officer, town or city sergeant, constable, sheriff, conservator of the peace, or collecting officer while in the discharge of his official duty; provided the county judge of any county in term time, and the hustings judge of any hustings court, in term time, upon a written application and satisfactory proof of the good character and necessity of the applicant to carry concealed weapon may grant such permission for one year; the order making same shall be entered in the order-book of such court.

2. This act shall be in force from its passage.

CHAP. 746.—An ACT to amend and re-enact section 3160 of the code of Virginia in relation to the pay and mileage of jurors.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-one hundred and sixty of the code of Virginia in relation to the pay and mileage of jurors, be amended and re-enacted so as to read as follows:

§ 3160. Every person summoned as a juror shall be entitled to one dollar for each day of attendance upon the court, and at the rate of four cents per mile for each mile of travel by most direct route in going to and returning from court; such mileage, however, in no case to exceed one dollar per day; such pay and mileage to be paid out of the county or corporation levy. And when during the same day a person has served as a juror for which he is entitled to be paid out of the public treasury, and has also served as a juror for which he is entitled to be paid out of the county or corporation levy, the court shall divide the pay and mileage for such day between the state and the county or corporation; and it shall be the duty of the sheriff or sergeant of the county or corporation court at the term of the court during which an allowance is made or has been made under this section to furnish the clerk of such court with a statement showing the number and names of the jurors in attendance upon the court, and the number of miles, respectively, of travel, as aforesaid. In every case the claim of the juror for attendance, and for mileage, as aforesaid, shall be verified by his affidavit: provided, however, that in cities, where the jurors are summoned to attend courts held in said cities, such jurors shall only receive fifty cents for each day of attendance upon said court without serving upon a jury.

2. This act shall be in force from its passage.

CHAP. 747.—An ACT to amend and re-enact an act to authorize the county of Powhatan to change the form of the bonds subscribed to the Farmville and Powhatan railroad company, approved December 19, 1889; and to amend the same so as to allow the board of supervisors of said county to refund the conditional bonds and the interest thereon.

Approved March 4, 1896.

Whereas the county of Powhatan subscribed forty thousand dollars to the capital stock of the Farmville and Powhatan railroad company, and paid such subscription in conditional bonds, as authorized by an act of assembly approved February fifth, eighteen hundred and eighty-six, entitled an act to authorize a subscription by the counties of Cumberland and Powhatan to the stock of the Farmville and Powhatan railroad company; and

Whereas the supreme court of Virginia has declared that the said

conditional bonds are legal and binding obligations on the county of Powhatan; and

Whereas the board of supervisors of the said county of Powhatan were authorized by the said act of December nineteenth, eighteen hundred and eighty-nine, in their discretion, to exchange the conditional bonds, and the said board of supervisors having failed to exercise such discretion; and

Whereas the interest accrued and to accrue upon the said bonds to March first, eighteen hundred and ninety-six, aggregates fifteen thousand and six hundred dollars, and the circuit court of Powhatan county has ordered the board of supervisors to meet and make a levy for thirteen thousand two hundred dollars, past due interest; and

Whereas the said board of supervisors may be able to agree with the bondholders to refund at par forty thousand dollars principal, or fund said fifteen thousand six hundred dollars of interest in six per centum coupon bonds, or all of said principal and interest, or any part thereof, and thereby relieve the board of supervisors from having immediately to lay a levy upon the tax-payers of said county for the said sum of fifteen thousand six hundred dollars, or if laid to relieve the treasurer of said county from collecting the same; and

Whereas the bondholders have expressed to the board of supervisors their willingness to accept the bonds of the said county at par in payment of principal and interest, aggregating fifty-five thousand six hundred dollars; therefore,

1. Be it enacted by the general assembly of Virginia, That the act entitled an act to authorize the county of Powhatan to change the form of the bonds subscribed to the Farmville and Powhatan railroad company, approved December nineteenth, eighteen hundred and eighty-nine, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the board of supervisors in their discretion to issue value-received coupon bonds, payable in lawful money of the United States, aggregating any sum not exceeding the amount of fifty-five thousand six hundred dollars, in denominations of one hundred dollars each, or multiples thereof; the rate of interest upon said bonds may be six per centum, payable semi-annually at some bank or trust company in the city of Richmond, Virginia, and the time of payment of the said principal of the said bonds may be at such time as may be agreed upon between the board of supervisors and the bondholders.

§ 2. If the board of supervisors of the county of Powhatan exercise the discretion given them in this act, the bonds issued hereunder shall be used exclusively either in refunding, all or any of the forty thousand dollar conditional bonds or in funding any or all of the fifteen thousand six hundred dollars interest thereon, or for both purposes, but this act shall not be construed as giving authority to the board of supervisors to issue bonds for any other purpose or to use them in any other manner than as hereinbefore mentioned.

§ 3. Upon the execution and the delivery of the coupon bonds in exchange for the conditional bonds, as authorized by this act, the

said conditional bonds so exchanged shall be cancelled by the clerk of the county of Powhatan and in the presence of the board of supervisors of the said county.

2. This act shall be in force from its passage.

CHAP. 748.—An ACT to amend and re-enact an act approved February 28th, 1894, to regulate the killing or capturing of game in the counties of Alleghany, Bath, Highland and Augusta.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That an act approved February twenty-eighth, eighteen hundred and ninety-four, entitled an act to regulate the killing and capturing of deer and other game in the counties of Alleghany, Bath, Highland and Augusta, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That it shall not be lawful to kill or capture any deer or chase the same with dogs in the counties of Alleghany, Bath, Highland, Augusta and Rockbridge, at any time except between the first day of October and the first day of December of each year.

§ 2. Any person violating the provisions of the preceding section, shall, for each offence, be fined not less than fifty dollars or more than one hundred dollars, and shall be imprisoned in the county jail until the fine and costs are paid, but such imprisonment shall not exceed the term of thirty days; one-half of any fine imposed under this act shall go to the informer. The possession of any fresh venison or green deerskins during the prohibited period shall be prima facie evidence of the violation of this act.

§ 3. It shall be unlawful to kill or capture at any time within said counties the red-breasted robin, red-bird, cat-bird, brown thrush, mocking-bird or the barn or chimney swallow; and it shall also be unlawful to kill or capture the wild turkey, pheasant (or ruffed grouse), the partridge (or quail), snipe or woodcock, at any time in the counties of Augusta, Alleghany, Bath and Rockbridge, except between the first day of October and thirty-first day of December in each year, except in the counties of Augusta and Rockbridge, where the time for hunting quail shall be between the fifteenth day of October and the fifteenth day of December; and any person violating this section shall be fined not less than ten dollars for each offence, one-half of which shall go to the informer, and the party convicted shall be confined in jail until the fine and costs are paid, but such confinement shall not exceed ten days in each case. All fines recovered under either of the preceding sections shall be paid into the county school fund of said counties, respectively, and be accounted for by the treasurer thereof as other county school funds are accounted for, except as to the one-half paid to the informer in the cases named;

provided this act, so far as it relates to the partridge (or quail) shall not go into effect for two years from its passage.

§ 4. Proceedings under this act may be by warrant before a justice of the peace or by indictment in the county court.

§ 5 All acts or parts of acts in conflict with this act are hereby repealed.

2. This act shall be in force from its passage.

CHAP. 749.—An ACT to compensate school trustees, other than clerks of district school boards, in Dickenson, Buchanan, Wise, Scott, Lee, and Tazewell counties.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the district school board of Dickenson, Buchanan, Wise, Scott, Lee and Tazewell counties may, in their discretion, compensate the school trustees of their respective district, other than the clerks of district school boards, at the rate of one dollar per day for each day of service actually rendered in the discharge of their duties, payable out of the district school funds: provided that no trustee as aforesaid shall receive more than ten dollars in any one year for the aforesaid services.

2. This act shall take effect six months after its passage.

CHAP. 750.—An ACT to prohibit hogs from running at large upon the streets or roads on Chincoteague island, in Accomac county.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any hog or hogs or swine to run at large upon the streets or roads on Chincoteague island, in the county of Accomac, and the owner or owners of such animals who shall intentionally permit such animals to run at large, as above mentioned, shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace shall be fined not less than one nor more than five dollars for each offence.

2. This act shall take effect from and after the first day of June, eighteen hundred and ninety-six.

CHAP. 751.—An ACT to incorporate the Smithville cemetery company, in Charlotte county.

Approved March 4. 1896.

1. Be it enacted by the general assembly of Virginia, That William H. Smith, F. C. Thornton, A. J. Terry, J. C. Carrington, W. G. Williams, E. F. Daniel, J. H. Ingram, or any three of them, may open books of subscription, and when two hundred and fifty dollars shall have been subscribed by them, and such others as may hereafter be associated with them, they shall be a body corporate and politic to be known as the Smithville cemetery company, by which name and style it shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded in all courts, contract and be contracted with, and ordain and establish by-laws: provided such by-laws be not in conflict with the laws of this state or the United States.

2. The capital stock of the said company shall not be less than two hundred and fifty dollars nor more than one thousand dollars, divided into shares of ten dollars each, which shall be paid in cash or installments as the by-laws may require; and the personal liability of each and every stockholder for the debts of the company shall be limited to the amount unpaid on the share or shares of stock subscribed for by such stockholders. All certificates of stock shall be under the seal of the company and signed by the president and countersigned by the secretary. Shares of stock shall be deemed personal property. Each stockholder shall have one vote in person or proxy in the election of directors and officers and at all the meetings of stockholders for each share of stock held by him.

3. The officers of said company shall consist of a president and secretary, who may likewise be the treasurer, and a board of four directors; and they shall be elected annually by a majority of the votes cast, and shall hold their respective offices until their successors are elected. The annual meeting of the stockholders shall be held at such place in the town of Smithville and at such time as may be fixed by the by-laws. The first annual meeting shall be held on the first Wednesday in March, eighteen hundred and ninety-six. Special meetings of the stockholders may be held at any time by the call of the president on giving notice of the time and place of meeting, at which meetings any business except the election of officers may be transacted that may be done at an annual meeting. A vacancy in either of the office of president or secretary shall be filled by appointment of the board of directors until the next ensuing annual meeting.

4. The said company shall have power to acquire by purchase or otherwise and hold land, not to exceed ten acres, in the town of Smithville, county of Charlotte, to be used for a burial place or cemetery and for no other purpose, and may lay off the same in lots, subdivisions of lots for graves, vaults, and monuments, and may improve and ornament the same, and may lay out roads and walks

therein, and may sell and convey any lots or subdivision of lots on such conditions as may be presented in the by-laws, and the same shall not be subject to sale by any order of court except as hereinafter provided, and shall not be conveyed by the owner out of his family except with the consent of the company. The company may make all proper rules and regulations for the general management of the grounds of the cemetery and with regard to the enclosures, digging of graves, and erection of vaults and monuments, the manner in which lots and subdivision of lots shall be kept, and the adornment thereof, and may prescribe the penalty for the violation of them and may enforce the same by action at law or suit in equity. Any jurisdiction is hereby conferred upon the courts of the county of Charlotte to hear and determine all matters of controversy between a lot owner and the company, and for such purpose the said courts' process may be executed on a lot owner who is a resident of this state in the county in which he resides, and on a lot owner who is a non-resident of this state by an order of publication, and upon a judgment in favor of the company in any such action at law or suit in equity the lot or subdivision of lot of such person may be sold to satisfy the same.

5. A survey and plat showing the walks and roads and the number, size, and location of lots of the grounds of the cemetery shall be made, and a copy thereof may be filed and recorded in the clerk's office of the county court of Charlotte, and no street, lane, road, or alley shall be made over the land of the said company without its consent, nor shall the said land be condemned or taken for the public use without the consent of the company.

6. The justices of the peace of the county of Charlotte shall have jurisdiction over all offences against the laws of this state committed upon the property and within the grounds of the cemetery of the said company, and all the ordinances of the town council of Smithville relating to matters of police shall extend over the said grounds, and for such purpose the said grounds shall be considered within the town of Smithville, and the mayor of said town shall have jurisdiction of all violations of said ordinances.

7. The said company shall be subject to all the general laws of this state relating to corporations not inconsistent with this act.

8. This act shall be in force from its passage.

CHAP. 752.—An ACT providing for the working, opening, and keeping in repair the roads in the county of Lunenburg, and for the building and keeping in repair the bridges in said county.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be the duty of the board of supervisors of the county of Lunenburg, at its annual meeting in July in each year, to levy a tax of not

exceeding twenty cents on the one hundred dollars value of the property in said county, real and personal, which tax shall be known as the road-tax, and said tax shall be expended in the manner herein-after provided.

2. The board of supervisors of said county shall, as soon as practicable after the passage of this act, nominate a suitable person to the county court of said county as superintendent of the roads and bridges of said county. And it shall be the duty of the said court, upon receipt of such nomination, if it approves the same, at the next term thereof to appoint such person as such superintendent; and in like manner thereafter, upon the recommendation of the board of supervisors, the court concurring, the county court shall annually, at its July term, make said appointment; but the superintendent first appointed under this act shall hold office until the first day of August, eighteen hundred and ninety-seven, and those annually appointed thereafter shall hold office for twelve months from the first day of August succeeding the appointment. And in case the court should not concur in the nomination made by the board at any term, then another nomination or nominations shall be made by the board, as herein provided, until a nomination is made which is concurred in by the court.

3. The superintendent so appointed shall qualify at the term of court at which he is appointed by taking an oath faithfully to discharge the duties of his office, and by giving bond for that purpose in the penalty of at least two thousand dollars; said bond to be payable to the county of Lunenburg with surety to be approved by the court. The said bond shall contain a waiver of the homestead exemption, and shall be recorded as other official bonds are now required to be recorded. The said superintendent may be removed at any time by the board of supervisors for cause; but the said superintendent, in case of his removal by said board, shall have an appeal from the decision of said board as of right to the county court of said county, whose decision in the matter shall be final. In case of the death or removal of said superintendent the vacancy for the unexpired term shall be filled in the same manner that the original appointment is made.

4. It shall be the duty of the superintendent to take charge of the maintenance, repair and construction of the public roads and bridges of said county, shall keep and maintain the same in as safe condition for public travel as the means furnished him by the board of supervisors will permit. He shall have all the rights to take from convenient lands such material as he may deem necessary for use on said roads or bridges, and to make such use of said lands for draining purposes as are conferred by existing laws upon road surveyors.

5. Said superintendent shall have charge of and provide for all mules, horses, oxen, implements, tools or machines which may be placed in his charge by the board of supervisors. And he may be authorized by said board to hire teams for carrying on the work at any time, at such rates per day as said board may from time to time determine. He shall be authorized by the board, and it shall be his duty to employ all necessary labor by the day, week or month, as the

board may direct, at a compensation to be fixed by said board from time to time. And to meet such expenses the board may place in the hands of the said superintendent sums of money not to exceed four hundred dollars for any one month.

6. The superintendent shall act for the county in all cases where the existing law requires commissioners to be named by the county court to report upon and award contracts to repair or build bridges, or open or repair roads and to receive the same, and to see that the work is done in such cases after such contracts are awarded in accordance with such contracts, and his acts in such premises shall have the same force and effect as the act of commissioners if they were appointed under the existing law.

7. Said superintendent shall make a report every two months to the board of supervisors of his transaction as such, furnishing itemized statements of the amounts received by him and how he has expended the same, under oath, and sustained by proper vouchers.

8. Whenever the superintendent deems it necessary to call to his assistance a civil engineer or surveyor in order to construct a road or bridge, he may do so with the consent of the board of supervisors, and at a compensation to be fixed by them. He shall at all times be under the direction of the said board, who are hereby authorized to prescribe any system and regulations for conducting the work as to them may seem best.

9. The said board shall purchase for the superintendent such horses, mules, teams, wagons, carts, scrapers, machines, and implements as they may think necessary for carrying on the operations aforesaid, and shall take his receipt for the same when delivered to him.

10. The said board shall determine what compensation shall be allowed the said superintendent and fix the time for the payment of the same, may make the same uniform during the year or otherwise, and may compensate him by the day or by the month while he is actually engaged in the work if they deem advisable. But such compensation shall in no event exceed the sum of five hundred dollars per year, which shall be paid out of the general county levy and not from the road tax levied under this act.

11. The said board shall, as soon as practicable after the passage of this act, at a meeting to be held for the purpose, ascertain and determine what roads in each magisterial district shall be worked under the provisions of this act, and shall also determine at said meeting what bridges in said county shall be paid for out of the tax levied for roads and bridges and what bridges shall be paid for out of the general county levy; and a copy of the lists of said roads in each district to be worked by said superintendent shall be furnished him by the clerk of the said board, as well as a list of the bridges in each district that are to be kept in repair or rebuilt out of the road tax, and of the bridges to be repaired or rebuilt out of the general levy. And the said board of supervisors shall have entire control of the letting to contract the building or rebuilding and keeping in repair the bridges in the district that are to be paid for out of said road-tax, but the county court shall let the building, rebuilding or repairing

of the bridges, to be paid for out of the general county levy in the manner now provided by law, except that the superintendent shall act as commissioner as heretofore provided in this act; and whenever the said superintendent shall report to the judge of the county court in vacation that any of the bridges that are to be kept in repair or built or rebuilt out of the general county levy need repairing or rebuilding, it shall be the duty of the said judge to enter a vacation order directing said superintendent to receive proposals for the work; and it shall be the duty of the county judge, and he is hereby authorized to confirm the reports of the superintendent letting the work to contract, in vacation, if, in the judgment of the said judge, it is necessary or proper that it be done, and shall direct the work to proceed or refer the matter to the board of supervisors as the law now provides in such cases; and it shall be the duty of the said superintendent to keep a general supervision over the bridges in said county and report to the board of supervisors when any of the bridges which are to be paid for out of the road tax as aforesaid need rebuilding or repairing, and to the county court or the judge thereof in vacation when any of the bridges to be paid for out of the general county levy need repairing or rebuilding.

12. The said board of supervisors, with the consent of the county court, or the judge thereof in vacation, shall have power, and they are hereby authorized, to employ upon the county roads, or any portion thereof, all vagrants and convicted criminals confined in the county jail, and all persons confined in said jail in default of the payment of fines imposed upon them, said parties to be worked under the supervision of said superintendent under such rules and regulations as the said board may prescribe. But in such case the board, maintenance, and cost of guarding such persons, where necessary, shall be paid for out of the road tax, and shall not be a charge upon the state, as now provided by law, in case they remain in jail and are not worked upon the roads as aforesaid.

13. The road tax levied for the year eighteen hundred and ninety-six shall be used and expended by said board of supervisors in accordance with the provisions of this act.

14. The existing laws regarding the foregoing subjects shall be, and they are hereby, repealed in so far as they are applicable to the county of Lunenburg.

15. This act shall be in force from its passage.

CHAP. 753.—An ACT to regulate the sale of cider and other intoxicants in the village of Lovington, in Nelson county.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person, firm, corporation, partnership, or association to sell or offer for sale in the village of Lovington, Nel-

son county, Virginia, or within two miles thereof, on any court day or other public day, any cider or other intoxicants by retail or to be drunk where sold.

2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than fifty dollars, and be confined in jail not exceeding thirty days.

3. This act shall be in force from its passage.

CHAP. 754.—An ACT to authorize the town of Onancock, in the county of Accomac, to borrow money.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the mayor and council of the town of Onancock be, and they are hereby, authorized and empowered to borrow for said corporation and for the purpose of building a lock-up or jail for said town, and for improving the streets of said town, and for other purposes, a sum of money not exceeding five thousand dollars, by the issue and sale of the bonds of said corporation as hereinafter provided.

2. Said bonds shall be issued in denomination of one hundred dollars and bear six per centum interest per annum, said interest to be paid semi-annually on the first of January and first day of July by the treasurer of said town. The principal of said bonds shall be payable in twenty years from date, or upon the call of said corporation at any time. Said bonds shall be signed by the mayor of said town and countersigned by the clerk of the council, and shall be sold and negotiated in such manner as may be prescribed by the said mayor and council; provided that said bonds shall not be sold for less than their par value; and provided, further, that this act shall not be operative until the question has been submitted to a vote of the people of said town and it shall appear by the report of the judges of said election that a majority of the qualified voters of said town voting upon the question are in favor of said law.

3. This act shall be in force from its passage.

CHAP. 755.—An ACT to protect hares (or rabbits) in Essex county.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful in the county of Essex to kill, hunt or capture, or offer for sale, hares (or rabbits) between the first day of February and the first day of November of any year.

2. Any person or persons violating this act shall be fined not less than five nor more than twenty dollars for each offence.

3. This act shall be in force from its passage.

CHAP. 756.—ACT to provide that the Clintwood subdistrict, in Dickenson county, be, and the same is hereby, made a school district, to be known as the Clintwood school district, and to provide for building a school-house and raising funds for same.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the Clintwood sub-school district, in Dickenson county, be, and the same is hereby, made a school district, to be known as the Clintwood school district, and the said school district shall be subject to the laws as govern other school districts in said county.

2. That the limits of the said school district shall be as follows: Beginning on Crane's Nest river at the mouth of Holly creek; thence up said Crane's Nest river to the mouth of a creek near Harmon Keel's house, known as Short branch; thence up said Short branch so as to include the said Harman Keel and Henry Keel in the said Clintwood school district to the house of Calvin Hughes, and including the said Calvin Hughes in the said Clintwood school district; thence down Laurel branch to George's fork school-house, including John Browning in the said Clintwood school district; thence from said George's fork school-house to the gap in a ridge at the head of Wilcat branch in a line of Mincey Mullen's land; thence with the said Mincey Mullen's land so as to include her land in the said Clintwood school district to John B. Phipp's line; thence with John B. Phipp's line so as to exclude his land from the said Clintwood school district to Brush creek; thence a straight line to the gap in a ridge at the head of Rocky branch, and on a line between Joseph Baker and Isaac Mullin's land; thence with dividing ridge between said Rocky branch and the branch that passes William J. Fleming's house to George Fleming and Zachariah Mullen's line; thence with their line to Holly creek so as to exclude said George Fleming's land and to include the said Zachariah Mullen's land, and thence down Holly creek to the beginning.

3. And the board of supervisors of said county, may in their discretion, assess, levy, and collect tax upon the taxable property of the said Clintwood school district for the purpose of building and erecting a suitable and convenient school-house for the said district in the town of Clintwood, in said district, and the said board of supervisors of the said county, may in their discretion, levy a tax on said district sufficient to cover the provisions of sections four and five of this act.

4. The trustees of the said school district are authorized in their discretion to issue bonds upon the said school district for the purpose of building a school-house in said district in such sums as they

may think best, amounting to not more than eight hundred dollars, bearing interest, said bonds to be made payable at one, two, three, and four years in equal installments.

5. The funds derived from the tax to be levied by the board of supervisors of said county upon the said school district shall be applied to the payment—first of the interest on said bonds, and second to the principal of said bonds. The levy laid for this purpose shall only be sufficient to pay the bonds with accrued interest each year.

6. That the money which is or may be collected for the year eighteen hundred and ninety-five, in pursuance to an act of the legislature approved March eight, eighteen hundred and ninety-four, entitled an act to authorize the board of school trustees of the Clintwood district, in Dickenson county, Virginia, to sell and convey the present public school house and lot and to purchase another, and to provide for assessing and collecting a tax on said district for said purpose, is hereby directed to be paid over by the treasurer of the said county to the trustees of the said school district, or upon their order.

7. This act shall be in force from its passage.

CHAP. 757.—An ACT to amend and re-enact the 33d section of the charter of the city of Alexandria, approved February 20, 1871, as amended by an act approved March 22, 1871, and by an act approved 17th day of March, 1876, and by an act approved March 20, 1877, and by an act approved January 25, 1879, and by an act approved March 1, 1888, and by an act approved February 25, 1892, and by an act approved March 8, 1894.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-three of an act entitled an act to amend the charter of the city of Alexandria, approved February twentieth, eighteen hundred and seventy-one, as amended by an act approved March twenty-second, eighteen hundred and seventy-one, and by an act approved the seventeenth day of March, eighteen hundred and seventy-six, and by an act approved March twentieth, eighteen hundred and seventy-seven, and by an act approved January twenty-fifth, eighteen hundred and seventy-nine, and by an act approved March first, eighteen hundred and eighty-eight, and by an act approved February twenty-fifth, eighteen hundred and ninety-two, and by an act approved March eighth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 33. That the city council is authorized and empowered to lay out, establish, open, close, vacate, widen, extend, regulate, grade, pave, gravel, macadamize, regrade, and repave streets, lanes, avenues, and alleys in said city; to improve, repair, pave, and repave sidewalks, pavements, and gutters; to set and reset curb; to cause sewers and drains to be built, and public squares and parks to be opened, regulated, ornamented, and perfected in the manner hereinafter pro-

vided, and generally to have such other improvements made in and about such streets, avenues, lanes, alleys, parks, and squares as the public wants and conveniences may require.

That whenever the city council shall deem it expedient to lay out, establish, open, widen, extend, regulate, grade, pave, gravel, macadamize, regrade, or repave any street, lane, avenue, or public alley in in said city, or to improve, pave, or repave any sidewalk, pavement, or gutter, or to have set or reset and put down any curbing, it shall by joint resolution designate the district to be improved and the character of the improvements proposed, and direct the city engineer to survey the street, lane, avenue, or public alley which it is proposed to improve, and to make a report to the city council and to file with said report a plat showing the grade or change of grade, if any, and plans and specifications and an estimate of the costs of the proposed improvement, with the names of the owners of the property to be affected thereby; and the said report shall be filed with the auditor of the city of Alexandria, who shall publish for ten days in one or more newspapers of said city, to be designated by the city council, a notice that the said report has been filed, and that all persons interested are notified to examine the same, and that they must file their objections thereto in writing with the said auditor within fifteen days from the first day said notice is published, and the said notice shall also designate with convenient certainty the property to be affected and the district to be improved; and the said auditor, after the expiration of the said fifteen days, shall transmit the said report of the city engineer, a copy of said notice, and the objections filed with him to said report or to the proposed improvement, to the city council. The city council, after considering said report, plans, and specifications, with the objections filed thereto, and making such alterations as it may deem proper, may by an ordinance direct such street, lane, avenue, or public alley to be laid out, established, opened, widened, extended, regulated, graded, paved, gravelled, macadamized, regraded, repaved, or otherwise improved, or such sidewalk or gutter to be improved, repaired, paved, or repaved, or such curbing to be set or reset and put down, the same to be done by the persons and in the same manner specified in said ordinance; and when the said improvements have been completed the city council shall, after giving ten days' notice thereof by advertisement in some newspaper published in said city, and by posting at the front door of the court-house, apply to the corporation court of the city of Alexandria, which shall thereupon appoint three commissioners, who shall constitute a board to ascertain the property benefited by such improvements and the amount each piece of property is peculiarly benefited by the same over and above the benefits to the public generally. Vacancies in the said board shall be filled by the said court without further notice; and the said commissioners shall hold their office during the pleasure of the court, and shall receive two dollars and fifty cents each for every day necessarily employed in the performance of their duties, to be paid by the city council. Before acting hereunder each of said commissioners shall take an oath in writing before some officer authorized to administer oaths to faith-

fully and impartially perform the duties aforesaid, which oath shall be filed in the clerk's office of the said court. The said commissioners, after giving ten days' notice to the owners of the property, or to the agent, guardian or committee of such owner affected by the said improvement, or by publication in some newspaper published in the city of Alexandria if the owners are not residents of said city or unknown, of the time and place when and where they will proceed to perform their duties, shall after hearing all evidence offered by any person affected by said improvement proceed to ascertain the property benefited, and the amount each lot or parcel of land is peculiarly benefited more than the public generally by such improvements; and if when the said commissioners shall have ascertained all the property benefited and the amount each lot or parcel of land is peculiarly benefited as aforesaid, it shall be found that the aggregate amount of the assessments for benefits exceeds two-thirds of the cost of such improvements, the said commissioners shall deduct such excess from the amount assessed against the several lots or parcels of land in the districts where such assessment is made in proportion to their respective amounts. When the said commissioners shall have performed all the duties hereinbefore required of them, they shall make a report, in which they shall describe each lot or piece of land peculiarly benefited by such improvements, and state the name of the owner or that the owner is unknown, and the sum assessed upon each lot or part thereof for said benefits, which report they shall file in the corporation court of the city of Alexandria on the first day of the term of said court next succeeding the date of the making of the said report; and unless exceptions are filed to the said report within ten days after the filing of the said report the same shall stand confirmed, but should exceptions be filed the said court shall forthwith hear the same, and the said court may confirm, alter or revise said report, and enter such judgment thereon as it may deem right and just, except that the said court shall not have power to enter a personal judgment against said exceptant for the amount of the benefits so ascertained and assessed as aforesaid, but the said court may, in its discretion, enter judgment for the costs of the trial of said exceptions against either party as to the court may seem proper. Should the owner of any lot or parcel of ground affected by said improvement be an infant or insane, the court shall appoint a guardian ad litem for such infant or insane person, and no report shall be confirmed or acted upon by said court until said guardian ad litem shall have been appointed. Upon the confirmation of any report or upon the entering of any judgment as hereinbefore provided the clerk of said court shall deliver to the auditor of said city certified copies of said report and of the judgment of the court thereon, who shall forthwith record the same in a book to be kept for the purpose, and from and after the time of the confirmation of any report to which exceptions have not been filed, and from and after the time of the judgment of the said court upon any report to which exceptions have been filed, there shall be a lien and a prior lien upon any lot or parcel of ground affected by any such report to all other liens and encumbrances except state taxes

for the amount so assessed and ascertained, together with interest thereon at the rate of six per centum per annum from the date of any such confirmation or judgment. The auditor shall forthwith furnish to the collector of taxes of said city a list of the properties so assessed, the names of the owners thereof, and the amount of such assessment against each, who shall proceed to collect the same; and should the owner of any of said property fail to pay the amount of said assessment and interest thereon within one year from the date of the delivery of said list to said collector of taxes the said collector of taxes shall forthwith levy upon said lot or parcel of land, or so much thereof as may be necessary to satisfy said assessment and interest and cost and expenses of sale, and sell the said lot or parcel of land at public auction for cash after ten days' notice of the time, place and terms of sale by publication in some newspaper published in the said city; and if at such sale no bid is made in excess of the amount of said assessment, interest and the cost and expenses of sale, the said lot shall be struck off to the said city council, and it shall be a purchaser thereof upon the same terms as other purchasers, and shall hold and dispose of the same for its benefit. Any lot of ground sold by said collector of taxes may be redeemed, and shall be held, conveyed or disposed of in the same manner and after the same length of time as real estate sold by the city council for the non-payment of taxes thereon. The city council shall also have the right to institute a suit in equity, either in the corporation or the circuit court for the city of Alexandria, to enforce the lien aforesaid upon any lot or parcel of ground so assessed with benefits as aforesaid for the amount of said benefits and the interest thereon.

Whenever the city council shall deem it advisable to establish, build or construct sewers in the said city it shall have the power to do the same under the same provisions and regulations and in the same manner and by the same proceedings, and shall have a like lien as hereinbefore specified for the improvement of streets.

The city engineer shall examine the sidewalks and gutters in the said city and monthly report to the city council such sidewalks and gutters as need repairing and curbing as needs resetting, and the city council, by ordinance or joint resolution, may require the owner or owners of the lot of ground in front of which the said sidewalk or gutter needs repairing or curbing needs setting, to have the same repaired or curbing reset within the time specified in said joint resolution or ordinance, and if the said owner or owners fail to have such sidewalk or gutter repaired or curbing reset within the time prescribed by said ordinance or joint resolution, the city engineer shall forthwith have the same done, and the costs thereof, together with interest thereon at twelve per centum per annum, shall be a lien upon the said lot of ground from the time there is filed with the auditor a statement made out by the city engineer showing the costs thereof, which lien shall be a prior lien to all other liens upon said property except state taxes, and the city council shall have the same rights and remedies for the enforcement of the said lien as are given by this section for the collection of the assessments therein named.

And whenever it shall become necessary for the public health or

sanitary purposes to have graded, paved, or otherwise improved any alley or court within the corporate limits, the right to which and the use and right of way over which is for the exclusive benefit of the owners of real estate abutting thereon, the said city council shall have power to require the owner or owners of the real estate abutting upon any such alley or court to have the same graded, paved, or otherwise improved, and if after ten days' notice in the manner hereinbefore provided, the owner or owners of the real estate abutting upon any such alley or court fail to have the said alley or court graded, paved, or otherwise improved, as may be required by the city council, then the said city council shall have the power to grade, pave, or otherwise improve the said alley or court, and the costs thereof shall constitute a lien and a prior lien against the several lots or parcels of real estate abutting upon the said alley or court of all other liens except state taxes, and the city council shall have the same rights and remedies for the enforcement of the said lien as are given by this section for the collection of the assessments therein named; but before proceeding to enforce the said lien, the said city council shall have commissioners appointed to assess the costs of the said improvement in the manner hereinbefore provided, and the same proceedings shall be had in such cases as in the cases hereinbefore provided for in this section, and the lien shall take effect in the same manner as provided for in this section in reference to the assessments therein named.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from and after its passage.

CHAP. 758.—An ACT to amend and re-enact section 2465 of the code of Virginia in relation to contracts, deeds, &c., that are void as to creditors and purchasers unless recorded.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-four hundred and sixty-five of the code be amended and re-enacted so as to read as follows:

§ 2465. Contracts, deeds, and so forth, that are void as to creditors and purchasers unless recorded.—Every such contract in writing, every deed conveying any such estate or term, and every deed of gift or deed of trust or mortgage conveying real estate or goods and chattels shall be void as to subsequent purchasers for valuable consideration without notice, and creditors, until and except from the time that it is duly admitted to record in the county or corporation wherein the property embraced in such contract or deed may be: provided that possession of any such estate or term, without notice of other evidence of title, shall not be notice to said subsequent purchasers for valuable consideration.

2. This act shall be in force from its passage.

CHAP. 759.—JOINT RESOLUTION providing for the reception of patients at the several state hospitals.

Approved March 4, 1896.

1. Resolved by the house of delegates (the senate concurring), That all persons who have been legally adjudged insane, who have or may hereafter make application for admission into a state hospital, shall be received. The superintendents of the several state hospitals shall be required to send promptly for all such insane persons and receive them until all vacancies in the same are filled.

CHAP. 760 —An ACT for the relief of J. J. Ellis.

Approved March 4, 1896.

Whereas by an act approved January first, eighteen hundred and ninety, certain qualifications were imposed upon persons wishing to practice dentistry in the state of Virginia; and

Whereas the said act further provides that persons who shall be engaged in the practice of dentistry in the commonwealth of Virginia on the first day of January, eighteen hundred and ninety, and who shall comply with the requirements of section seventeen hundred and seventy-four of the code of Virginia, shall be otherwise exempt from the provisions of said act; and

Whereas J. J. Ellis was a practical dentist and a resident of Virginia on the first day of January, eighteen hundred and ninety, but not in active practice at that time; therefore,

1. Be it enacted by the general assembly of Virginia, That the said J. J. Ellis be, and is hereby, granted the same rights and privileges as those in actual practice on the first day of January, eighteen hundred and ninety, subject to the requirements of section seventeen hundred and seventy-four, as aforesaid of said act.

2. This act shall be in force from its passage.

CHAP. 761.—An ACT to provide for the trial of cases pending in the county court of Warwick county.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That all cases pending in the county court of the county of Warwick on the first day of March, eighteen hundred and ninety-six, of which the corporation court of the city of Newport News would have had ex-

clusive jurisdiction if the said cases had been commenced subsequent to the passage of this act, shall be transferred to the said corporation court of the city of Newport News, and therein proceeded in to final judgment.

2. The clerk of the said county court shall transmit to the clerk of the said corporation court the original papers in all cases removed by section one of this act, together with duly certified copies of all orders and other proceedings which may have been entered in such cases.

3. This act shall be in force from its passage.

CHAP. 762.—An ACT for the relief of James J. Johnson, of Greenville county, Virginia, a disabled Confederate soldier.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized to place the name of James J. Johnson, of the county of Greenville, on the lists of Confederate soldiers, whose disabilities are partial and who are entitled to commutation allowed by an act of the general assembly of Virginia, approved March fifth, eighteen hundred and eighty-eight, as amended by an act approved March fifth, eighteen hundred and ninety-two.

CHAP. 763.—An ACT to appropriate five thousand dollars in addition to appropriation already made to Lee camp soldiers' home.

Approved March 4, 1896.

Whereas the pressing necessities of the Lee camp soldiers' home are such as to imperatively demand at least the sum of five thousand dollars additional to the sum already made to Lee camp soldiers' home: therefore,

1. Be it enacted by the general assembly of Virginia, That the said sum of five thousand dollars be, and the same is hereby, appropriated to Lee camp soldiers' home out of money in the treasury not otherwise appropriated, that they may retain the present number of inmates.

2. This act shall be in force from its passage.

CHAP. 764.—An ACT to relieve Green Jones, of Brunswick county.

Approved March 4, 1896.

Whereas Green Jones, of Brunswick county, served in the late war and was wounded through the hip, and since that time has fallen into bad health from a cancerous affection, so that he is now helpless and dependent: therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to list Green Jones to receive a pension of thirty dollars a year so long as he lives.

2. This act shall be in force from its passage.

CHAP. 765.—An ACT for the relief of Mrs. Stephen Jones, the widow of a Confederate soldier.

Approved March 4, 1896.

Whereas Stephen Jones, of the county of Franklin, was a soldier in the late war, and while in service was wounded; and whereas in pursuance of the statute pensioning the wounded soldiers of the Confederacy, the said Jones did draw during his life a pension of fifteen dollars a year; and whereas the said Jones is now dead, leaving a widow in penniless circumstances, and needing the pension drawn by her husband to a greater extent than she did during his lifetime; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he hereby is, directed to place Mistress Stephen Jones, of the county of Franklin, upon the pension list to receive a pension of thirty dollars a year.

2. This act shall be in force from its passage.

CHAP. 766.—An ACT for the relief of A. K. Milam, a disabled Confederate soldier.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized to place the name of A. K. Milam, of the county of Pittsylvania, on the list of Confederate soldiers, whose disabilities are partial and who are entitled to a compensation allowed by an act of the general assembly, ap-

proved March fifth, eighteen hundred and eighty-eight, as amended by an act approved March fifth, eighteen hundred and ninety-two.

2. This act shall be in force from its passage.

CHAP. 767.—An ACT for the relief of Mrs. Edward Starkey, the widow of a Confederate soldier.

Approved March 4, 1896.

Whereas Edward Starkey was a soldier in the late war, and while in service lost his arm; and whereas during his lifetime, by reason of his wound, the said Starkey did draw a pension of fifteen dollars a year; and whereas the said Starkey is now dead, leaving a dependent widow, sorely in need of the small amount which her dead husband annually drew; therefore,

1. Be it enacted by the general assembly of the state of Virginia, That the auditor of public accounts be, and is hereby, directed to place upon the pension list the name of Mistress Edward Starkey, of the county of Franklin, to receive a pension of thirty dollars a year.

2. This act shall be in force from its passage.

CHAP. 768.—An ACT to amend section 8 of an act entitled an act for working and keeping in repair the public roads in Norfolk county, approved February 1, 1894.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to amend section eight of an act entitled an act for working and keeping in repair the public roads in Norfolk county, approved February first, eighteen hundred and ninety-four, so as to provide for an additional road commissioner for district number one, be amended and re-enacted so as to read as follows:

§ 8. The county court shall appoint two road commissioners, one for each revenue district, whose term of office shall be four years from the first day of July next succeeding his appointment. They shall be appointed at the May term of the county court next preceding their term of office, and shall qualify as other district officers are required by law to qualify, and each of them shall enter into and acknowledge a bond before the court or judge before whom he qualifies, with surety to be approved by the court or judge in the penalty of not less than two thousand dollars. Such bond shall be payable to the county, and with the condition for the faithful performance of his duties as such commissioner; provided, however, that said court may at any time, upon the petition of fifty resident freeholders of Tanner's creek magisterial district, appoint an additional road

commissioner for revenue district number one, with special jurisdiction over the roads of Tanner's creek magisterial district, whose term of office shall run with the two commissioners hereinbefore mentioned, who shall qualify in like manner, and who shall receive for his services such proportion of the salary of eight hundred dollars per annum, provided for in section nine of this act, for the road commissioner of revenue district number one, as the taxable values of said Tanner's creek magisterial district bear to the whole taxable values of said revenue district number one; provided that the salary of the commissioner appointed under this act shall not exceed that of the commissioner already appointed for revenue district number one.

2. This act shall be in force from its passage.

CHAP. 769.—An ACT to provide for the payment out of the treasury for losses sustained by destruction of property and expenses incurred to prevent the spread of small-pox from an epidemic of that disease prevalent in the Indian reservation of the Pamunkey tribe of Indians.

Approved March 4, 1896.

Whereas an epidemic of small-pox became prevalent in the winter of eighteen hundred and ninety-four and ninety-five in the Indian reservation of Pamunkey tribe, located near White House, on both sides of the Southern railway, in the county of King William, which threatened to become widely spread in the state; and whereas after consultation between the governor of the commonwealth and H. I. Lewis, commonwealth's attorney for King William county, vigorous efforts were determined upon to stamp out and prevent the further spread of the disease, which necessarily caused the destruction of property belonging to said Indians and incurred expenses for supplies and the hire of guards and nurses; and

Whereas the pecuniary condition of said Indians is utterly inadequate to sustain said losses and pay said expenses: therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, required to issue his warrants on the treasurer for the payment of the following sums: To Dr. J. R. Lewis, six hundred dollars for medical attendance; to Dr. L. Edwards, fifty dollars for medical attendance; to C. S. Bradby, five dollars for burying bodies; to C. S. Bradby, thirty-nine dollars for services rendered as guard; to D. F. Coor, five dollars for services rendered as guard; to the West Point telephone line, for telephone messages, fifteen dollars; to Clementine Langston, thirty-five dollars for services rendered as nurse; to E. R. Allman, forty dollars for services rendered as nurse; to Jennietta Collins, ten dollars and fifty cents for services rendered as cook; to W. A. Langston, twenty dollars and twenty-five cents for services rendered as guard; John F. Collins, ten dollars and fifty cents for services as

guard; to N. A. Collins, twenty-six dollars and fifty cents for services rendered as guard; to W. T. Neale, one hundred and eleven dollars and thirty-four cents for supplies furnished patients, and so forth; to Morcitty and Cabe, thirteen dollars and fifty cents for clothing furnished; to Rilee Bradby, nineteen dollars and seventy-five cents for services rendered as guard; to Herbert I. Lewis, money advanced to guards, and so forth, two hundred and seventy-seven dollars and thirty-eight cents; provided that when the parties, or any one or more of them named in this act, shall accept the amounts herein appropriated, said amounts shall be in full of all demands against the state of Virginia or the county of King William.

2. This act shall be in force from its passage.

CHAP. 776.—An ACT to amend and re-enact section 14 of an act to provide for the working and keeping in repair the public roads of the county of Louisa.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That section fourteen of an act entitled an act to provide for the working and keeping in repair the public roads in the county of Louisa be amended and re-enacted so as to read as follows:

§ 14. It shall be the duty of the board of supervisors of the county at their next regular August meeting, and annually thereafter, to lay a specific levy on the assessed value of all property within the county, real and personal, except the railroads as hereinafter provided, and except such property as may be located in an incorporated town which keeps its streets in order, of not less than thirteen nor more than fifteen cents on the hundred dollars' value thereof, which shall be collected by the county treasurer as other taxes are collected, except that he shall keep the same separate from the other funds, and the sum collected from each road district also separate, and upon the railroad known as the Chesapeake and Ohio, the railroads leading from the sulphur mines and the Armenius mines, and other railroads that may hereafter be constructed in said county, the said supervisors shall at the same time lay a levy on the value thereof, which may be prescribed by the board of public works for state taxes, of as many cents on the hundred dollars in value as the whole county levy may be for all purposes, including said special road tax on the other property in said county, and the whole revenue thus arising from such railroads shall be apportioned and expended exclusively for roads and bridges in same manner as the special road tax aforesaid, except the school tax; that the revenue arising from this source shall, when collected, be apportioned by the treasurer among or to the several road district funds in proportion to the taxable values of such districts outside of such railroads, and shall place to the credit of each road district such proportion of such revenue; and he shall open an account with each road district, credit-

ing each district with the funds collected therein from such levy (or placed to the credit of same collected from said railroad), from fines and from all other sources, and charging the same, with his commissions for collecting such road tax (which shall be the same as for collecting other county levies), and with moneys paid out as hereinafter provided upon orders of the county court.

2. This act shall be in force from its passage.

CHAP. 771.—An ACT to authorize the board of school trustees for Newport school district, of Warwick county, to use the district school fund to pay teachers for the session of 1895-'96, or so much thereof as may be necessary.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of school trustees for Newport school district, of Warwick county, be, and are hereby, authorized to use the district school fund to pay teachers in said district for the session of eighteen hundred and ninety-five and ninety-six, or so much thereof as may be necessary for that purpose.

2. This act shall be in force from its passage.

CHAP. 772.—An ACT to impose a special license on dealers in pistols and pistol-cartridges in the counties of Accomac and Northampton.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That nothing in the revenue laws of Virginia relative to merchants or merchants' license shall be henceforth deemed or construed to authorize any person or mercantile firm to engage in the business of selling pistol or pistol-cartridges in the counties of Accomac or Northampton without having first applied for and obtained, in the same manner as prescribed by the laws of the state for obtaining merchants' license, a special license as hereinafter provided, to be designated as special pistol and pistol-cartridge dealer's license.

2. No merchant or mercantile firm shall henceforth engage in or sell pistols or pistol-cartridges in the counties of Accomac and Northampton without having first procured a special license therefor, to be designated a special pistol and pistol-cartridge dealer's license.

3. Every person, merchant or mercantile firm engaged in the business of selling pistols or pistol-cartridges, or who may hereafter engage in said business in said counties, shall pay for the privilege of transacting said business in said counties a special license tax in

the sum of ten dollars per annum, to be assessed and collected in the mode prescribed by law, and no such license shall be issued for any period less than one year, nor shall there be any abatement in any instance of the tax upon such license by reason of the fact that the person or persons so licensed shall have exercised such licensed calling for a period of less than one year. Any person selling pistols or pistol-cartridges in the said counties of Accomac and Northampton contrary to the provisions hereof, or who shall in any manner violate the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than twenty-five dollars for each offence.

4. All acts and parts of acts inconsistent with the provisions hereof are hereby repealed in so far as they apply to said counties.

5. This act shall be in force from and after the first day of August, eighteen hundred and ninety-six.

CHAP. 773.—An ACT to amend and re-enact an act entitled an act to amend and re-enact section 605 of the code, entitled treasurers to return lists of uncollected taxes and delinquents, approved January 23, 1896.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to amend and re-enact section six hundred and five of the code of Virginia, eighteen hundred and eighty-seven, entitled treasurers to return lists of uncollected taxes and delinquents, approved January twenty-third, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

§ 605. Treasurers to return lists of uncollectible taxes and delinquents.—The treasurer, after ascertaining which of the taxes and levies assessed in his county or city cannot be collected, shall, not later than the first day of July in each year, make out lists of three classes—to-wit: First, a list of property on the commissioner's land-book improperly placed thereon or not ascertainable, with the amount of taxes and levies charged on such property; secondly, a list of other real estate which is delinquent for the non-payment of the taxes and levies thereon; and thirdly, a list of such of the taxes and levies so assessed other than on real estate as he is unable to collect, except that in the counties of Accomac and Northampton it shall be lawful for the treasurers of said counties to make such lists at any time prior to the first day of December of any year.

2. This act shall be in force from its passage.

CHAP. 774.—An ACT authorizing the election of a town assessor for the town of Covington, in Alleghany county, Virginia.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the council of the town of Covington, in Alleghany county, be, and is hereby, authorized to elect annually a town assessor, who shall perform all the duties in relation to the assessment of property for the purpose of levying the town taxes that may be required of him by the mayor and council of said town; provided that the town sergeant of said town shall not be disqualified from holding said office of town assessor.

2. The said town assessor shall be elected by the council of said town at its regular meeting in the month of February of each year; except for the year eighteen hundred and ninety-six the said assessor shall be elected by said town council at its first regular meeting after the passage of this act.

3. This act shall be in force from its passage.

CHAP. 775.—An ACT to incorporate the Halifax building and loan company

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That R. T. Edwards, Z. T. Collins, John H. Kent, D. K. Burton, H. W. Quarles, John H. Farmer, James V. Garner, W. M. Bates, J. H. Mitchell, S. T. A. Kent, E. S. Lacy, A. M. Sparrow, and James H. Guthrie, together with such other persons as may hereafter be associated with them, be, and they are hereby, created and made a body politic and corporate by the name of the Halifax building and loan company, and as such shall be capable in law to purchase, hold, and dispose of property, both real and personal; to make loans on real estate, personal or collateral security; to receive deposits and savings, and for such other objects as may promote the interest of the company. The said corporation shall have power to make, have, and use a common seal, and the same to change, alter, and renew at pleasure; to sue and be sued, plead and be impleaded in any court of law or equity; to make all deeds, transfers, contracts, conveyances, and grants whatsoever, and to exercise all the powers incident to bodies politic and corporate not inconsistent with the laws of this state or of the United States.

2. There shall be a meeting of said corporators, or at least five of them (which number shall constitute a quorum for the transaction of business), at such time and place after the passage of this act as the persons above named, or any five of them, shall appoint (and on such a day and at such a place annually thereafter, as the by-laws

may appoint), for the purpose of choosing from among the voting members a president and vice-president, three directors, and a secretary and treasurer to manage the affairs of the said corporation for one year thereafter and until a new election shall take place and their successors are duly qualified. The president and vice-president shall be ex-officio directors, who, with the other three directors, shall constitute the board of directors of said corporation. All subsequent elections shall be held in accordance with the by-laws.

3. The directors, or any three of them, shall have power to fill all vacancies that may occur in the offices of president and vice-president and in their own body; to appoint such other officers and agents as they may deem necessary to conduct and execute the business of said corporation; to fix their compensation, and in their discretion to dismiss them; to take bonds for the said corporation from all or any of the officers or agents, with security, conditioned in such form as they shall approve, for the faithful performance of the duties of such officers or agents and to secure the said corporation from loss; to invest the funds of the said corporation as they shall see proper, and generally do any other act or acts touching the interests of the company as they shall deem most safe and beneficial; to admit members upon such terms as the by-laws may prescribe, and furnish proof of such admission, and of all payments made by such members upon their respective shares; to exclude members when they have not any property in said corporation, and to make all such by-laws as may be necessary for the exercise of the aforesaid powers or the powers vested in said corporation, and the same to alter or repeal at pleasure: provided that such by-laws shall not be contrary to any law of this state or of the United States.

4. The stock of the said corporation shall consist of not less than fifty nor more than two hundred and fifty unredeemed shares of the par value of one hundred dollars each, payable in such installments as the by-laws may prescribe. But the by-laws may provide conditions for the payment of all or any part thereof in advance, and may also prescribe the entrance fee to be paid by such stockholder at the time of subscribing, and, if they see proper, may limit the number of shares which each stockholder may hold at one time; and the said corporation shall have power to compel the punctual performance of all duties to the corporation, and to enforce the payment of all installments and other dues to the corporation from all parties subscribing to its stock or borrowing money under its contracts in pursuance of its charter and by-laws by such fines and forfeitures as the directors may from time to time provide in the by-laws; power to transfer shares on the books of the corporation without any liability on the assignor for any installments or payments thereon accruing after the date of such transfer. All transfers shall be subject to such rules, regulations, and fees as the charter and by-laws may prescribe; and each member shall have one vote for every share of unredeemed stock which he may hold at any meeting of stockholders or election of directors the payments on which are not in arrears; and no one shall be eligible as president, vice-president, or director, who is not the bona fide holder in his own right of one or

more unredeemed shares of stock, and upon his ceasing to hold, in his own right, unredeemed stock, it shall be the duty of the board of directors to declare his or their office vacant and to fill the vacancy.

5. Any person or persons applying for membership or for stock in said corporation after the end of one month from the time of organization may be required to pay for stock such price as may from time to time be fixed by the board of directors in order to place such new members or stockholders on a footing with the original members and others holding unredeemed shares at the time of application.

6. The corporation shall have power to make loans to members of the corporation or others, and receive as part of the security for loans to members their shares, either by way of redemption or hypothecation, as well as to take deeds of trust or mortgages or any real, personal, or collateral security, conditioned for the repayment of the loan or advance, and the interest on the amount of said loan until the last payment is made, in such installments as may be agreed upon, and for the faithful performance by the parties thereto of all covenants, stipulations, and agreements; provided, however, that in case of such hypothecation of stock no greater sum of money shall be drawn out by any member than has already been paid in by him on his shares at the time of such hypothecation; the property so mortgaged or hypothecated as aforesaid to the corporation to be kept clear of taxes by the mortgagor. In the case of redemption the shares redeemed shall be cancelled, but the members so having their shares redeemed shall in no wise thereby be released from their obligation to perform all the duties they may have assumed to the corporation, and shall for failure be subject to like fines and penalties as though their shares of stock had not been redeemed. It shall and may be lawful for such corporation to receive in advance the interest on loans, as well as to charge and deduct upon the redemption of shares such premium for the privilege of having them redeemed as may from time to time be fixed by the board of directors or agreed upon between the corporation and the parties so having their shares redeemed; or to add to the principal sum for which said shares are redeemed the interest thereon for the period during which the installments extend, the whole to be paid in such installments as may be agreed upon.

7. All shares of stock redeemed by the corporation in accordance with the preceding section, or purchased by it, shall be considered as redeemed shares, and shall be cancelled; and it shall be lawful for the corporation to issue an equal number of new shares in their stead, so that the number of unredeemed shares authorized by this act may never exceed the number of two hundred and fifty shares perpetually. And the member or members of the corporation so redeeming the said share or shares of stock shall not be entitled to vote at any meeting of the corporation held for the purpose of electing directors and other officers or for any other purpose.

8. It shall be the duty of the board of directors, at least ten days prior to the expiration of each succeeding half-year, reckoning from the date of organization of the company, to appoint from the stockholders three competent persons to investigate the affairs of the cor-

poration and make a report thereof, which report shall be recorded on the book of minutes of the stockholders' meetings, and be at all times open to the inspection of the stockholders; and thereupon the board of directors shall, within a reasonable time, declare such dividend of the profits as shall have been made during the preceding six months upon the unredeemed shares, the dividends upon fully paid-up shares to be paid in cash, and upon shares not paid paid up in full to be pro rata passed to the credit of the holder thereof; provided that always at the expiration of a current year the newly elected board of directors only shall have the power to declare such dividend.

9. The principal office shall be in the town of Houston, Virginia.

10. The general assembly of Virginia reserves the right to alter, amend or repeal this act at pleasure.

11. This act shall be in force from its passage.

CHAP. 776.—An ACT to incorporate the Society of the sons of the revolution in the state of Virginia.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That James Alston Cabell, Francis L. Smith, W. C. N. Randolph, Richard Thomas, Walker Duke, junior, Robert Lancaster Williams, Charles Washington Coleman and Lyon Gardner Tyler, and such other persons as may be associated with them, and their successors, be, and they are hereby, declared and constituted a body politic and corporate by the name and style of the Society of the sons of the revolution in the state of Virginia, and by that name shall be known in law, and shall have a right to sue and be sued, to contract and be contracted with, and to enjoy all the rights and privileges, and be subject to all the regulations incident to similar corporations under the general law of the commonwealth.

2. The objects of said corporation are social, patriotic and benevolent, and the said society has been formed for the purpose of perpetuating the memory of the men who, in the military, naval and civil service of the colonies and of the continental congress, by their acts or counsel, achieved the independence of the country, and to further the proper celebration of the anniversaries of the birthday of Washington and of prominent events connected with the war of the revolution; to collect and secure for preservation the rolls, records, documents and other things relating to that period; to inspire the members of the society with the patriotic spirit of their forefathers; and to promote the feeling of friendship among them.

3. The principal office of the said corporation shall be in the city of Richmond, Virginia.

4. The members of the said corporation shall have authority to adopt a constitution and by-laws, to prescribe rules and regulations

for its government and the promotion of its interests, for the admission and the expulsion of its members, and to amend the constitution and by-laws in the manner to be therein prescribed.

5. The officers of the said corporation shall be a president, vice-presidents, secretary, treasurer, registrar, historian, and such other officers as may be deemed necessary, and they shall be elected in such manner and at such times, and shall hold office for such terms and perform such duties as the constitution and by-laws shall prescribe.

6. Said corporation may acquire property by gift, devise or purchase, and may use, manage and dispose of the same in such manner as may be deemed best to advance the object of its incorporation.

7. All the property—real, personal or mixed—which said corporation now owns or may hereafter acquire by gift, purchase or otherwise, shall be exempt from all state, county and city taxes or levies.

8. The amount of real estate which the corporation may hold at any time shall not exceed five hundred acres.

9. This act shall be in force from its passage.

CHAP. 777.—AN ACT to amend section 246 of chapter 18, code of Virginia, as amended by an act approved February 19, 1894, in relation to the secretary of the commonwealth furnishing reports of the decisions of the court of appeals.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That section two hundred and forty-six, chapter eighteen, of the code of Virginia, as amended by an act approved February nineteenth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 246. He shall as soon as practicable furnish one copy of each volume of the reports of decisions of the court of appeals to the reporter, one copy to each judge of the said court, of the circuit, corporation and county courts, one to the judge of the chancery court of the city of Richmond, and to the clerk of the United States circuit court of appeals at the city of Richmond, for the use of said court, and one to the clerk of each of the circuit courts of the United States held in this state for the use of said courts, and members of the bar practicing therein.

2. This act shall be in force from its passage.

CHAP. 778.—An ACT protecting and enlarging the powers of the Pulaski agricultural and mechanical society.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That if any person erect or have any booth, stall, tent, carriage, or other contrivance for the purpose of selling or otherwise disposing of any spirituous or fermented liquors, or any other article of traffic, or sell or otherwise dispose of any spirituous or fermented liquors, or any other article of traffic, within one mile of the Pulaski agricultural and mechanical society fair grounds during the holding of any fair or exhibit at said fair grounds, he shall for the first offence be fined not less than ten nor more than twenty dollars, and be committed to jail until the fine and costs are paid; and for the second offence be fined as aforesaid and confined in jail not less than ten nor more than thirty days.

2. If any person violate any of the provisions of this act he shall, in addition to the penalties herein mentioned, forfeit to the commonwealth all such liquors or article of traffic and all chests and other things containing the same in the possession of the person so offending, together with such booth, stall, tent, carriage, vehicle, or other contrivance or thing used in such violation. It shall be the duty of every sheriff, deputy sheriff, or constable who sees any violation of the provisions of this act to arrest the offender and carry him before a justice and seize the property hereby declared to be forfeited, or seize the same on a warrant against the offender if such offender cannot be found, and hold the same to await the proceedings for the condemnation thereof.

3. But the provisions of this act shall not apply to any licensed inn-keeper, merchant, shop-keeper, farmer, or other person transacting his ordinary and lawful business at the usual place of transacting the same, or to any person having permission, in writing, from the president of such society to sell such articles as may be named in such writing; but such permission shall not extend to the sale of any spirituous or fermented liquors.

4. It shall be lawful for the board of directors of said society to appoint one or more officers, who shall, upon the grounds of said society and within a radius of one mile thereof, have, during the holding of any fair or exhibit, the same authority and powers now exercised by and conferred upon constables by laws of the state.

5. This act shall be in force from its passage.

CHAP. 779.—An ACT to fix the penalty of the bond of the treasurer of Bedford county, requiring every sixty days statement of collections and payment into the treasury of the state revenues, and to empower the board of supervisors to recommend to the county court that it demand a new or additional bond.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That when the treasurer of Bedford county shall be required to give a new or additional bond said bond shall be executed in manner and form now prescribed by law. But the penalty of the new bond shall be not less than forty thousand dollars, but may be more, at the discretion of the county court or the judge thereof in vacation.

2. The treasurer of Bedford county, on the first Monday in December in each year, and every sixty days thereafter, shall make to the auditor of public accounts, under oath, a statement of all moneys collected for the state or county, and shall pay into the treasury so much of said fund as shall be due to the commonwealth and not needed in the county to pay Grandstaff school warrants, and at the time and periods aforesaid he shall also make to the judge of the county court a like statement of all moneys collected for the county and file this statement with the clerk of the board of supervisors. For failure to make these statements, or either of them, or to pay into the treasury the state's revenues, the treasurer shall be fined not less than fifty nor more than one hundred dollars for each offence, forfeit to the county and commonwealth his commissions upon collections, and after reasonable notice be removed from office.

3. The board of supervisors of said county, when in their discretion they deem it necessary, may recommend to the county court that it require a new or additional bond from the treasurer.

4. In its operation this act is wholly prospective and shall in no wise affect the bond given by the present treasurer of Bedford county.

5. This act shall be in force from its passage.

CHAP. 780.—An ACT to incorporate the Nassawadox lumber and barrel manufacturing and building company, in the county of Northampton.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That Joseph B. Savage, C. C. Bell, Annie M. Savage, C. D. Hurtt and J. B. Bell, and their associates and successors, or a majority of them, be, and they are hereby, created and constituted a body politic and corporate for the purpose of conducting a general lumber business in all its branches under the name and style of Nassawadox lumber and barrel manufacturing and building company, and by such name shall have perpetual succession and a common seal, which it may adopt and alter at pleasure; may contract and be contracted with,

sue and be sued, and make, maintain and alter such by-laws, rules and regulations for its government and the carrying on of its business as it may deem expedient, not in conflict with the constitution and laws of this state or of the United States.

2. The capital stock of said company shall not be less than five thousand dollars nor more than fifty thousand dollars, divided into shares of one hundred dollars each; and said company may receive subscriptions to its capital stock or payment for its shares in money, land or other property upon such terms as may be agreed upon or authorized by its board of directors. Each stockholder in said company shall be entitled to one vote for each share of stock held by him, and no stockholder shall be individually liable for the debts or liabilities of said company in any larger or further sum than to such amount as may be due and unpaid severally upon his stock and subscription. And the said company is hereby authorized to subscribe to and hold stock in any other incorporated company.

3. The company shall have authority to make, from time to time, such by-laws and regulations as it may deem necessary for the management of its affairs, may fix the number of its directors, elect its president and other necessary officers; and its principal office will be at Nassawadox, in Northampton county, Virginia, or elsewhere in said county, as a majority of its directors may determine. The president shall be elected by the stockholders, and a vice-president shall be elected, if the company deem such officer necessary, from among the directors by the board of directors. A secretary and treasurer shall be elected by the board of directors, and one person may hold both these offices if the company so determine. All officers of the company shall be elected for the term of one year and until their successors are elected and qualified. The president shall be entitled to vote at all meetings, and each stockholder present, in person or by proxy, shall be entitled to one vote for each share of stock held.

4. The said company is hereby authorized and empowered to carry on the business of getting, cutting, buying, selling, milling, transporting and manufacturing timber and lumber and barrels in whatever manner it may deem proper and expedient, and generally to conduct and carry on the lumber business in all its details, branches and departments; and said company shall have the right to buy, own, sell, dispose of, pledge or mortgage property of all kinds and descriptions, whether real, personal or mixed, and to own and operate in its business steamers, vessels and boats of every kind, and to build, own, equip and operate such tramways as it may desire for the transportation of its timber, lumber and barrels, manufactured or unmanufactured: provided that said company shall not own at any one time more than two thousand acres of land in this state.

5. Said company shall have the right to borrow money and to issue notes or bonds in such manner and for such sums as its board of directors may determine, and it may secure the payment of said notes and bonds and interest thereon by mortgages, deeds of trust or other lien upon the whole or any part of its property and fran-

chises, including its franchise to be a corporation, as its board of directors may deem proper and expedient.

6. All taxes and assessments which may hereafter become due to the commonwealth of Virginia shall be paid in lawful money of the United States, and not in coupons.

7. This act shall be in force from its passage.

CHAP. 781.—An ACT to prohibit winter racing in the state of Virginia.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person or association of persons, any agricultural association, county or city fair, driving club or driving park association, or any other person or corporation whatsoever, to have upon the grounds or tracks owned or controlled by them, or upon any race track whatsoever, any running or trotting races or any other trials of speed between horses during the months of December, January, February and March.

2. Any violation of the provisions of this act shall be punished by a fine of not less than two hundred and fifty dollars for the first offence, and of not less than five hundred dollars for the second offence or any subsequent offence, and in no case shall the fine exceed one thousand dollars.

3. This act shall be in force from its passage.

CHAP. 782.—An ACT requiring superintendent of penitentiary to keep account of all expenses incurred in delivering convicts to the penitentiary.

Approved March 4, 1896.

Whereas the present statute imposes upon the superintendent of the state prison the duty of transporting the convicts from the various county seats of the commonwealth of Virginia who have been sentenced to a term in said state prison by the courts of said counties; therefore,

1. Be it enacted by the general assembly of Virginia, That said superintendent of state prison shall keep a strict account of all expenditures incurred by extra guard hire and all other expenses, such as may be necessary for the safe delivery of said convicts to the prison, and he shall make an annual itemized report of same.

2. This act shall be in force from its passage.

CHAP 783.—An ACT to provide more effectually for the punishment of vagrants.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That whenever any person is apprehended or arrested in any city or town as a vagrant under section eight hundred and eighty-four of the code of Virginia it shall be unlawful for said authorities to discharge said person upon condition that such person leave said city or town, but shall proceed as, and only as, provided by section eight hundred and eighty-five of the code of Virginia.

2. This act shall be in force from its passage.

CHAP. 784.—An ACT prescribing certain additional duties to be performed by the superintendent of the poor in Southampton, Isle of Wight, Nansemond, Clarke, and Fauquier counties.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the superintendents of the poor of Southampton, Isle of Wight, Nansemond, Clarke, and Fauquier counties, in addition to the duties now imposed upon them by law, shall receive, control, manage, and care for such persons as shall be sentenced by the county courts or justices of the peace of their respective counties to work upon the county farms of their respective counties subject to the rules and regulations prescribed and set forth for their control, and the control of such persons so sentenced by the board of supervisors of said counties respectively; and in the annual reports of the said superintendents of the poor to the boards of supervisors of their respective counties under section eight hundred and seventy-two of the code of Virginia they shall render an account of the number of such persons received, the costs of caring for the same, which costs may be included with the costs of caring for the poor, and the income derived from the labor of such persons.

2. This act shall be in force from its passage.

CHAP. 785.—An ACT making it lawful for the county courts and justices in Isle of Wight, Nansemond, Southampton, Clarke, and Fauquier counties to sentence certain criminals to work upon the roads, farms, or other public works in said counties, or on the streets of any town in said counties, and prescribing penalty for persons thus sentenced who escape or attempt to escape.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be lawful, if in their discretion they deem it advisable for the county courts and justices of the peace in the counties of Isle of Wight, Nansemond, Southampton, Clarke, and Fauquier, respectively, where persons are convicted of misdemeanors or fail to pay fines or costs imposed upon them in criminal cases, to sentence said persons to work upon the county farms or the public roads, or other public works of their respective counties, subject to the management and control to be prescribed by the boards of supervisors of their respective counties, or to work on the streets of any towns in said respective counties, subject to the control of the municipal authorities of said town, instead of sentencing said persons to confinement in the county jail, as prescribed by the general law. But no person shall, under this act, be sentenced to work on said farms, roads, public works, or streets for a longer period than he or she might have been sentenced to confinement in the county jail under the general law of this state. Where such person or persons are sentenced to work upon the streets of any town, they shall, for the period for which they were sentenced be guarded and cared for by the authorities and at the expense of said town. Where any person is sentenced to work under this act the officer in whose charge he is shall deliver him to such person as the court or justice may direct.

2. Where a person has been sentenced to work under the preceding section and shall escape, or attempt to escape, before the expiration of said sentence from the custody of the person or persons in whose charge he may be, he may be pursued, captured, and retaken by any person, without warrant, at any time within five years and carried back to the custody of the authorities from whom he escaped, and in every such case one month shall be added to his or her term of labor in addition to the term for which he or she was originally sentenced as a penalty for escaping or attempting to escape.

3. This act shall be in force from its passage.

CHAP. 786.—An ACT to empower the board of supervisors of Southampton, Isle of Wight, Nansemond, Clarke, and Fauquier counties to make rules concerning the working of criminals sentenced to work on the public roads or farms, or other public works of said counties, and to provide suitable buildings for the care and custody of said criminals.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the boards of supervisors of Southampton, Isle of Wight, Nansemond, Clarke, and Fauquier counties, respectively, be, and the same are hereby, separately and severally empowered to make such rules and regulations as they deem necessary for the working and guarding of persons sentenced to work on the county farms, public roads, or other public works in their respective counties, and to provide such buildings on the county farms in their respective counties as they may deem necessary for the proper care and custody of said persons while on said farms, and for working the said persons on said farms to the best advantage under the control and custody of the superintendent of the poor, and shall provide for the proper feeding and clothing of said persons while working out the time for which they were sentenced.

2. This act shall be in force from its passage.

CHAP. 787.—An ACT to prohibit the killing or capturing for sale, or offering to sell, or buying in the county of Page any partridges (or quail) for shipment beyond the limits of said county.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to kill or capture, or offer for sale or buy any partridges (or quail) killed or captured in the county of Page for the purpose of shipping the same beyond the limits of said county. Any person violating any of the provisions of this section shall, upon conviction thereof, be fined not less than five nor more than twenty dollars for each offence.

2. Any railroad company, express company, or other transportation who shall receive for shipment and ship any partridge (or quail) killed or captured in Page county beyond the limits of said county shall be fined not less than twenty dollars for each offence.

3. This act shall be in force from its passage.

CHAP. 788.—An ACT prescribing how a person riding a bicycle shall pass a vehicle or person on horseback on the public highways and bridges, and providing penalties.

Approved March 4, 1896.

Whereas bicycles have come into use for both pleasure and business purposes, and have been recognized by the law as entitled to be used on the public highways and bridges of this commonwealth; therefore,

1. Be it enacted by the general assembly of Virginia, That any person riding a bicycle who shall meet or overtake a vehicle or wagon or person on horseback on any public highway or bridge shall use all proper care in passing such vehicle or person on horseback to prevent the frightening of the horses that are being driven or ridden, and if said horse or horses appear to be frightened, he or they shall dismount and stop, in order to prevent accident from fright of the said horses. Any person violating the provisions of this act shall be fined not less than two nor more than five dollars, and shall in addition be liable in civil action for such damages as may result from neglect or want of proper care.

2. This act shall be in force from its passage.

CHAP. 789.—An ACT to incorporate the Tobacco warehousing and trading company.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That Richmond Maury and C. E. Kersey and J. W. D. Farrar, of Danville, Virginia, and Dean Maury and A. Langstaff Johnston, of Richmond, Virginia, and their associates, and such persons as may be hereafter associated with them, and their successors, be, and they are hereby, constituted a body politic and corporate under the name and style of the Tobacco warehousing and trading company.

2. The said corporation may make and use a corporate seal, which it may alter or renew at its pleasure, may sue and be sued, plead and be impleaded, contract and be contracted with, and make by-laws, rules and regulations, consistent with the laws of this state and the United States, for the government, management and control of its members, estates and properties, and the due and orderly conduct of its affairs.

3. The capital stock of said company shall be not less than ten thousand nor more than one hundred thousand dollars. The said stock shall be divided into shares of the par value of one hundred dollars each. Subscriptions to said stock shall be made under the supervision and control of not less than three of said corporators hereinbefore named; and when the stock of the par value of ten

thousand dollars shall have been subscribed for, the subscribers shall have the right to organize the company by the election of a president, board of directors, and such other officers as they may deem expedient, and the term of office of those so elected shall be one year, or until their successors are elected and qualified, but shall be subject at any time to removal by the stockholders.

4. The number of the directors and the number necessary to constitute a quorum of the board may be fixed from time to time either by the stockholders or under a by-law adopted by the board. The said board may make and prescribe all rules and regulations deemed useful or proper for carrying on the business of the company not inconsistent with this act, and at their pleasure may repeal, alter or amend the same. Such rules and regulations shall be printed, and, together with this charter, shall be accessible at its place of business to all persons doing business with the company. The said board may appoint from its members an executive committee, or such other committees as it may see fit, and may delegate to said committees such duties and powers as may be deemed expedient and proper. The said board may also appoint a secretary and treasurer and all such other officers and agents as it may think fit, and may prescribe their duties and powers. All such officers and agents shall be subject to the control of the said board and hold their offices during its pleasure.

5. It shall be lawful for the said company to receive subscriptions to its capital stock or payment for its shares so issued in money, real or personal property, or labor, and said company may give a preference to portions of its capital stock over the residue thereof as to dividends and the payment thereof, and may create and issue two or more classes of stock, according to the preferences so given, and designate the same accordingly, by and with the consent of the holders of two-thirds of the outstanding capital stock of the company.

6. The said company shall have power to raise, produce, grow, and manufacture tobacco, and to carry on all or any of the trades or businesses of growers, planters, raisers, exporters, merchants, agents, and brokers of and in tobacco, and generally to grow, raise, produce, make marketable, and turn to account tobacco which can be raised or produced from any of the company's property, or which such property is available to raise or produce.

(b) To buy, sell, and deal in tobacco as merchants or as principals or agents or on commission or otherwise.

(d) To build, construct, erect, purchase, take on, lease, hire, or otherwise acquire or provide any factories, warehouses, offices, houses, stables, workshops, buildings, dwellings, sheds, furnaces, kilns, ovens, engines, water wheels, plant, machinery, tools, implements, utensils, materials, and other articles and things necessary or useful in developing and working the properties and business or undertakings of the company.

(j) To raise and borrow money in such manner as the company may think fit, and particularly by the issue of debentures, debenture stocks, bonds, or other similar obligations, or upon mortgage, and to charge all or any of the real or personal property of the company,

both present and future (including unpaid calls and unpaid capital), growing crops, and other products in course of production, as security therefor, and to invest any moneys of the company not immediately required upon such securities as may from time to time be determined.

(k) To do anything which a merchant or merchants would do if engaged in a similar business to that the company is authorized to carry on, and particularly to accept, endorse, and execute promissory notes, bills of exchange, and other negotiable instruments.

(l) To amalgamate, whether by purchase of its undertaking or otherwise, with any other company having objects similar to the objects of this company, and to undertake all or any of the liabilities or transactions of any person, firm, or company whose business, undertaking, and property, or any part thereof, respectively, may be acquired by the company.

(m) To hold in the names of others any property which the company is authorized to acquire, and to carry on or do any of the businesses, acts, and things aforesaid, either as principal or by the agency of, or as agents or trustees for others.

(n) To do all such other things as are incidental or conducive to the attainment of the above objects or any of them.

7. The principal office of the said company shall be in Danville, Virginia.

8. The said company shall have the power to and may purchase, hold, grant, mortgage, or otherwise dispose of so much real estate in this state or elsewhere as is proper for the purposes for which it is incorporated.

9. All taxes and other public dues accruing from the said company to the state of Virginia shall be paid in lawful money of the United States, and not in coupons.

10. The general assembly of Virginia reserves to itself the right to alter, amend, or repeal this act at its pleasure.

11. This act shall be in force from its passage.

CHAP. 790.—An ACT to amend and re-enact an act entitled an act for the protection of deer in the counties of Shenandoah and Frederick, approved February 24, 1888, to apply only to the county of Shenandoah.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act for the protection of deer in the counties of Shenandoah and Frederick, approved February twenty-fourth, eighteen hundred and eighty-eight, be amended and re-enacted so as to read as follows :

§ 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to hunt, kill, chase, or wound any

deer between the fifteenth day of December and the fifteenth day of September of any year.

§ 2. No person shall hunt, chase, kill, or pursue any deer with dogs at any time that this act is in force.

§ 3. Any person found with recently killed venison during the time when killing of is prohibited shall be presumed to have violated the provisions of this act, and the burden of proof shall be on him to show that the manner in which the same came into his possession was not in violation of this act.

§ 4. Any dogs which are caught in the act of running deer during the time this act is in force may be killed by any party.

§ 5. Or to kill or capture, or offer for sale or to buy any pheasants (or ruffed grouse) or wild turkeys between the first day of January and the first day of November of each year, or any woodcock between the first day of February and the first day of July of each year, or any Japanese, Mongolian, or ring-necked pheasant between the first day of February and the first day of October of each year, or to kill or capture any rabbits (or hares) between the first day of March and the first day of November of each year.

§ 6. Any one violating either of these laws shall be fined for each offence not less than ten nor more than fifty dollars, and may be imprisoned in jail for not less than thirty nor more than sixty days.

§ 7. It shall be unlawful at any time for any person to carry, send, transport, or ship, dead or alive, game or game birds of any kind to any point outside the county in which the same is killed, and any one violating the provisions of this section shall be fined not less than ten dollars for the first offence, and for each subsequent offence the fine shall be doubled; provided that for any stage line, railroad, or express company receiving such game or game birds for shipment or transportation the fine shall be fifty dollars. Upon a conviction under this section one-half the fine shall go to the informer. Nothing in this section shall be construed to apply to the shipment or transportation of rabbits (or hares).

§ 8. Any magistrate of the city or county wherein any offence under this act is committed shall have current jurisdiction with the corporations or county court of all violations thereof.

§ 9. Nothing in this act shall be construed to interfere with the laws now in force in regard to the killing or capturing of birds and animals not named or embraced in this act.

§ 10. This act shall apply only to Shenandoah county.

§ 11. All acts and parts of acts in conflict with this act are hereby repealed.

2. This act shall be in force from its passage.

CHAP. 791.—An ACT to provide for the working and keeping in repair the public roads of Botetourt county.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That on and after the first day of July, eighteen hundred and ninety-six, or as soon thereafter as they may deem best, the board of supervisors of the county of Botetourt shall take charge of and have worked and kept in repair all public roads and bridges heretofore or hereafter established within the limits of said county, and for this purpose the said board of supervisors is authorized and empowered to levy a road tax, not to exceed in any year twenty-five cents upon the one hundred dollars of assessed taxable values in said county, and to adopt such regulations as may be necessary to secure the proper working of roads and keeping in repair the bridges in said county.

2. The said board of supervisors shall on the first day of July, eighteen hundred and ninety-six, or as soon thereafter as they may deem best, appoint one commissioner of roads for each magisterial district, which commissioners shall reside in the respective district for which they are appointed, and it shall be their duty to supervise the roads within the respective magisterial districts assigned them by said board of supervisors. The said commissioners shall hold their office for one year from first of July, eighteen hundred and ninety-six, unless sooner removed by said board for neglect of duty or malfeasance in office, and succeeding terms shall be filled by the board of supervisors at their meeting next preceding the first of July of each year. The said commissioners shall receive such compensation for their services as said board shall allow, not to exceed two dollars per day and not to exceed one hundred dollars for any one year, to be paid to them at such times and in such amounts by warrants drawn by said board on the treasurer as said board may, by its order entered on its minutes, determine. Any vacancy in the office of commissioner shall be filled for the unexpired term by said board. Said commissioner, before entering upon the duties of their office, shall severally take an oath faithfully to perform the duties of their office as commissioner, which oath shall be filed with the papers of said board. Each commissioner of roads and bridges shall, as soon as practicable after his qualification, carefully examine all the public roads of his district, and he shall lay off and divide said roads into sections of from one to five miles, no single section to be more than five miles in length.

3. Said commissioners of each magisterial district shall let to contract by the year for the term of two or more years, but not to exceed five years, in the discretion of the board of supervisors, in one or more sections (the sections having been numbered), to the lowest suitable bidder, having first advertised for sealed bids, stating clearly in the advertisement the work to be done on said section of road or bridge therein, in addition to what is specified and required by section nine hundred and eighty-two of the code, notice of which letting

to contract shall be posted for not less than ten days at each post-office and other public places in the district. The bids shall be in writing and signed by the contractor, and the same shall be delivered under seal to the board of supervisors for their examination and approval or rejection at their first meeting thereafter. Each contractor shall be required to execute a bond to the county, with good security, in the penalty of at least double the amount of his bid, for the faithful performance of his contract, and a recovery may be had for any breach of said contract in the name of the county, for the benefit of the road fund, in the county court, by motion, after ten days' notice to the contractor and his securities; and in case of a recovery on said motion the same costs shall be taxed in said judgment as if the motion was in favor of the commonwealth, and any such judgment may be deducted by said board of supervisors from the amount due said contractor on his contract. The attorney for the commonwealth shall institute and prosecute such motion. The said contracts and bonds shall be filed with the clerk of the board of supervisors.

4. The board of supervisors may make such regulations as to time and place in each district for commissioners to receive sealed bids, which bids shall be delivered by said commissioners to the board of supervisors; said board may accept or reject bids at their discretion.

5. Should there be any section or sections of road upon which there is no sealed bid, the road commissioner, after advertising as hereinbefore directed, may receive propositions to contract for said section or sections without requiring said proposals to be sealed; said proposals to be subject to same requirements in contracting as sealed bids.

6. If any section or sections of road remain unlet by reason of there being no bid, or for any other reason, the commissioner of roads and bridges shall appoint or employ an overseer for such road or section of road; said overseer to be paid such compensation per day as may be agreed upon by the board of supervisors. Said overseer shall employ such hands as may be necessary to keep such road in repair, paying such prices as are customary in the community.

7. An itemized account of all work done by overseers shall be kept, and said overseers shall make off and qualify to said accounts, and submit same to commissioner of roads, and upon his approval said accounts shall be presented to the board of supervisors, and if found to be correct said board shall give their warrant upon the county treasurer for the amount.

8. It shall be the duty of the commissioners of roads to give personal supervision to all the roads and bridges within their respective districts, to see that the contractor is faithfully performing his contract, and for any failure in carrying it out the commissioner of the district shall at once institute, through the prosecuting attorney, proceedings for the recovery of damages for the breach of said contract.

9. Overseers appointed or employed under this act shall be subject to the same requirements, under section nine hundred and eighty-two of the code, as are contractors.

10. The contractors shall be paid for work done under their contracts semi-annually, or oftener, as the board of supervisors, at their annual meeting, may determine, which payment shall be made by the warrant of said board upon the county treasurer, but payment shall be withheld by said board, if at the time fixed for such payment said contractor's road is not in order, until the commissioner supervising the same shall report it to be in the condition required by his contract.

11. No person in Botetourt county shall hereafter be compelled to work on the public roads without compensation.

12. The county treasurer shall keep the road funds separate from other tax funds, and the entire fund shall be placed to the credit of the road fund.

13. The county treasurer shall hereafter pay out no money collected from road taxes and levies except on the warrant of the board of supervisors.

14. No member of the board of supervisors or commissioner of roads shall be directly or indirectly interested in any contract made under this act, and any participation therein by either shall render the contract null and void.

15. The board of supervisors shall have power at any time for good cause to revoke the appointment of a commissioner of roads and bridges, and to appoint his successor to fill his unexpired term. And in case of removal there shall be no appeal from the decision of the board of supervisors, but such decision shall be final. Said board shall fix the compensation of commissioner of roads and bridges, and have all other powers necessary to be employed in executing this act; and for the additional services required by this act the supervisors shall receive the usual per diem allowed for the regular duties of their office, but in no case shall any supervisor receive more than thirty dollars for services connected with roads and bridges during any one year.

16. The county treasurer shall furnish the board of supervisors at their meetings for road purposes a statement of all funds in his hands to the credit of the road fund; and the said treasurer shall be liable on his official bond for all moneys coming to his hands as such for road purposes.

17. The duties of the present road board of Botetourt county shall cease and determine when the provisions of this act are complied with by the board of supervisors on the first day of July, eighteen hundred and ninety-six, and said road officials shall at once settle their road accounts with the county treasurer, which settlement shall be evidence for the county treasurer in his subsequent settlements with the board of supervisors. They shall in like manner settle with the board of supervisors for any road tools and other county property in their custody, and deliver the same to said board, taking their receipt therefor.

18. The board of supervisors may sell and dispose of any tools and implements which may be delivered to them by the present road board, or they may have the same used upon the roads of the county, as in their discretion may appear best for the county. Any act re-

quired to be done by said board of supervisors under and by virtue of this act may be done at any meeting thereof, either general or special.

19. The general road law of the state, except so far as the same is in conflict with this act, shall be enforced in Botetourt county.

20. All acts and parts of acts inconsistent with this act are hereby repealed.

21. This act shall be in force from and after the first day of July, eighteen hundred and ninety-six.

CHAP. 792.—An ACT to incorporate the Lake Drummond railway and hotel company.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That A. Brinkley, T. J. Wool, N. Beamon, Benjamin D. White, and A. J. Phillips, their associates, successors, and assigns be, and they are hereby, constituted a body politic and corporate by the name of the Lake Drummond railway and hotel company.

2. The said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, may make and have a common seal, which it may alter and renew at pleasure; and the said company is hereby vested with all the rights, powers, and privileges, and made subject to all the restrictions pertaining to works of internal improvement and corporations generally, under the laws of this commonwealth not inconsistent with the provisions of this act.

3. The capital stock of the said company shall be not less than five thousand dollars, but the company shall have the right to increase the same from time to time to an amount not exceeding fifty thousand dollars. The said stock shall be divided into shares of one hundred dollars each; and the board of directors may dispose of the same at such prices and upon such terms and under such regulations as they may determine; the directors may receive cash, labor, material, bonds, stocks, real or personal property in payment of subscriptions to the capital stock, at such valuations as may be agreed upon between the directors and subscribers, and may make such subscription payable in such manner or amounts and at such times as may be agreed upon. The corporators above named, or a majority of them, may receive subscriptions to the capital stock in such manner as they may deem best, and no advertisement of the time and place at which the books will be opened for subscriptions shall be necessary; and the said company shall have the power and right to issue preferred stock upon such terms as may be determined upon by the board of directors.

4. The board of directors of the said company shall be stockholders of the said company, and shall consist of five members, which number

may be increased to any number not exceeding nine at any annual meeting of the said company, who shall hold office for the term of one year or until their successors are elected and accept office; and the said board shall from their number elect a president and such other officers and employees as they shall deem necessary, and they shall fill any vacancy that may occur in the board or in the office of president. The corporators named in this act shall constitute the board of directors for the first year, and shall continue in office until their successors shall have been elected and accept office; they shall have the powers of and authority of a president and board of directors for the purpose of organization and for all other purposes incident thereto; they shall elect one of their number president, and may appoint such other officers as they may deem expedient; they shall fill any vacancy in the board and in the office of president that may occur.

5. The said the Lake Drummond railway and hotel company is hereby authorized, empowered and permitted to locate, construct, equip and operate a railroad of standard or narrow gauge, with one or more tracks, to be propelled by steam or electric power, having for its beginning a point either in Nansemond or Norfolk counties on the shore of Lake Drummond; thence running through the county of Nansemond or the county of Norfolk, or both of said counties, to a point on the Elizabeth river in or near the city of Portsmouth or to the town of Suffolk, or to a point on the line of the Norfolk and western railroad or on the line of the Norfolk and Carolina railroad. It shall have the right to cross the track of any other railroad company at grade or over or under the same, subject to the provisions of the general law now in force. The said company is authorized to have, hold and improve not to exceed thirty acres of land along the shore of Lake Drummond, and to erect thereon, own, operate and maintain such buildings, structures and yards, including a hotel, as the directors of the company may deem proper.

6. The said company may connect or unite its said road with that of any other company or companies, or consolidate or merge its stock, property, and franchises with those of any other company or companies operating or authorized to operate in this state upon such terms and under such name as may be agreed upon, or to enter into traffic or other arrangements or contract with any other railroad company organized under the laws of this state for doing business over the line of such other railroad; and to that end power is hereby given to such company to make and carry out such contract by lease, purchase, acquisition of stock in such company as will facilitate and consummate such connection or consolidation or traffic contract on such terms as may be agreed upon; and the said company may own, charter, or otherwise employ vessels propelled by steam or other means in order to facilitate and meet the demands of trade and commerce; and to construct all necessary works, conveniences, and facilities as will aid it in the furtherance of its purposes, such as wharves, piers, warehouses, docks, and other structures, with the right to charge and collect tolls for the use of the same.

7. It shall be lawful for the said company to borrow money and to

issue and sell its bonds from time to time for such sums and on such terms as the board of directors may deem expedient and proper in the prosecution of its works, and may secure the payment of the said bonds by mortgages or deeds of trusts upon all or any portion of its property, real, personal, and mixed, its contracts and privileges, and its chartered rights and franchises, including its franchise to be a corporation; and it may, as the business of the company shall require, sell, lease, convey, and encumber the same.

8. It shall be lawful for the said company to subscribe to and hold shares of the capital stock of any manufacturing or other corporation or enterprise; may subscribe to, guarantee, or hold the stocks or bonds of the said company; and it shall be lawful for any county, city or town to subscribe to the capital stock of said company, or any branch thereof, in the manner in which the law prescribes.

9. The company may acquire by condemnation, according to the laws of the state of Virginia, the lands required for the right of way of the said railway, and the necessary stations and depots, yards and terminal facilities and other purposes necessary for its operation.

10. Each stockholder of the said company shall at all meetings or elections be entitled to one vote for each share of stock registered in his name, and the president and board of directors of the said company may enact such by-laws, rules and regulations for the management of the affairs of the said company as they may deem expedient.

11. Whenever this corporation shall exercise any of the privileges conferred by this act it shall be liable to the same taxes as may be imposed by law upon other like corporations or persons exercising like privileges; and all taxes due the commonwealth by the said company shall be paid in lawful money of the United States, and not in coupons.

12. This act shall at all times be subject to amendment, alteration and repeal by the general assembly of Virginia; and in the event of a consolidation with any other company, this company shall remain a Virginia corporation so far as the right of suing and being sued is concerned.

13. The construction of the said road shall be begun within two years from the first day of May, eighteen hundred and ninety-six, and completed within five years thereafter.

14. This act shall be in force from its passage.

CHAP. 793.—An ACT to provide for the working of roads in Fauquier county, Virginia.

Approved March 4, 1896.

§ 1. Be it enacted by the general assembly of Virginia, That it shall be lawful for the county of Fauquier, after the first day of January, eighteen hundred and seventy-five, to locate, open, change, and repair highways, roads, and bridges as follows:

§ 2. That for each magisterial district in the county of Fauquier there is hereby created and established a board, consisting of the supervisor, a commissioner of roads, and one of the justices of the peace for each district, which board shall have the exclusive control of the roads, bridges, and ferries within its limits, and all taxes levied for road purposes and for building and repairing bridges shall be expended in said magisterial district except as hereafter provided. The justice of the peace constituting a member of said board shall be chosen and designated by the three justices of the peace elected and commissioned in the several magisterial districts, and the commissioner of roads shall be appointed by the judge of the county court as hereinafter provided. The designation of the justice who is to serve on said board shall be in writing, and shall be preserved and recorded by the board of commissioners of roads. The board hereby created and constituted is declared to be a body politic and corporate, and shall be known and designated as the board of commissioners of roads for ——— magisterial district.

§ 3. That the sub-road districts as now laid out and described by metes and bounds within the lines of the old township shall remain as they now are, unless and until they shall be changed by said board.

§ 4. That annually there shall be appointed by the said board, not later than the first Saturday in July in each year, one overseer of roads for each sub-road district, whose term of office shall be for one year, beginning on the first day of July succeeding his appointment. He shall reside in the magisterial district in which his sub-road district lies and for which he shall have been appointed, and shall have charge of the roads of his district. If any such overseer refuses to serve after being appointed, or fail to work the roads in his district when directed by the road commissioner, he shall be liable to a fine, on presentment by the grand jury, not exceeding fifty dollars; but any person, after being overseer for two consecutive years, may give up his office on producing a certificate to the board from the road commissioner or other satisfactory evidence that the roads in his district are in proper order, and he shall not within two years thereafter be appointed overseer without his consent.

§ 5. That his duties shall be to see that the roads in his district are kept in good repair, that the bridges are in a safe condition, that the roads are kept free from obstruction, that all loose stones are removed; and he shall contract for all tools and implements necessary for working the roads, subject to the approval of the commissioner of roads, and shall have custody of the same, and shall perform such other duties as may be prescribed by law or directed by the board of commissioners of roads. His compensation shall be one dollar and fifty cents per diem for each day actually employed.

§ 6. That annually at the May term of the county court there shall be appointed by the judge of the court for each magisterial district one commissioner of roads, whose term of office shall be for two years, beginning on the first day of July next succeeding his appointment; he shall reside in the district for which he is appointed. Each commissioner of roads thus appointed shall qualify before the

judge of the county in court or during vacation, and shall at the time of his qualification give bond, with good personal security, in not less than two thousand dollars nor more than five thousand dollars.

§ 7. That the commissioner of roads shall have charge of all the roads in his magisterial district. His duty shall be to see that all roads in his district are of the proper width, and in all cases where they are not to notify the persons trespassing by written notice; and if the obstructions are not removed after reasonable notice, not to exceed ninety days, he shall direct the overseer of the district to remove the fencing or other obstruction, and may recover the expenses, with costs, from the trespasser upon judgment of a justice of the peace. And if said obstructions are intentionally placed in any public road or any drains leading therefrom, the person placing the same there shall be liable to a fine not exceeding fifty dollars for each offence, to be recovered by action before justice of the peace. He shall examine the roads in his district twice in each year, in the months of June and November, and see that the roads and bridges are kept in good repair by the overseer and contractors; and if he shall find any overseer or contractor delinquent he shall give him notice in writing, and on his failure to comply with the law or his contract shall make the necessary repairs and enforce payment therefor as provided in section eleven of this act; but if upon such examination he shall find that such contractor or overseer has executed his contract or performed his duty according to the law or his contract he shall give him a certificate to that effect, with a statement showing the amount such contractor or overseer is entitled to have offset against his road tax, such certificate to be given before the time fixed for the collection of said tax; and where work has been done by any person other than a contractor, under the direction of the overseer, it shall be the duty of the overseer to give a like certificate. His compensation shall be two dollars per diem for each day in which he has been or may be actually employed in discharging his duties under the provisions of this act, and to be paid by the board of commissioners of roads for the respective magisterial districts: provided, however, that persons applying for a new road, or to lay out, open, alter, or change a public road, shall, when the same is rejected, be charged with the per diem compensation of the commissioner of roads.

§ 8. That the commissioner of roads for the district and the overseer of the sub-district shall let to contract at public letting, to the lowest and best bidder, for a term of three years (except in a case of a new road, then it shall be let until the next general letting), all the roads in each district not exceeding two miles in one section, of the time and place of which letting they shall give ten days' notice by printed handbills posted in at least three places in each road district. The specifications of such contract shall be such as will effectually open new roads and constantly keep in repair and clear of all impediments to safe and convenient travel all public roads, and they shall embrace the making and maintaining of sufficient bridges over such streams and ravines as may need them, and in every case except mountain roads it shall be specified that the bed

of the road shall be raised in the middle and slope gradually each way to the sides, where ditches sufficient to carry off the water shall be made and kept open; provided that the contract and price in no case exceed the estimate made by the overseer and commissioner of roads.

§ 9. That it shall be the duty of the said road commissioner and the overseer, within thirty days preceding the day of public letting, as directed in the preceding section of this act (and within the same period of time preceding the expiration of each and every term of years thereafter), to lay out and divide the public roads and highways in the said district into sections not exceeding two miles in length, which they shall number and describe in a book kept for the purpose. They shall also distinctly specify therein what they deem necessary for the improvement and keeping in good repair the said public roads and highways, with an estimate of the amount of money which it will require to improve and keep in repair each and every section of the said roads, respectively, for the term of years approved of and designated as provided for in section seven of this act. The road book herein provided for shall be returned to and preserved by said board, and shall be open to the inspection of any citizen of the county.

§ 10. Each contractor shall sign his name in a book to be kept for that purpose by the commissioner of roads to a contract embracing all the specifications in relation to the roads contracted for by him as provided by the eighth section of this act, as well as the contract price, the length of time contracted for, and the number and description of sections contracted for. All contractors shall give bond and security in such sum as the board shall deem sufficient, in a penalty not less than twenty-five dollars nor more than double the contract price.

§ 11. That if a contractor refuse or neglect to comply with the law or his contract, upon complaint the commissioner of roads shall, as soon as practicable, examine the road or section, and if the complaint is well founded shall give immediate notice in writing to the party to make or put his road or section in repair according to law, or as the contract requires; and upon his failure to do so, the overseer shall proceed to put the same in order and the expense thereof with costs of suit, shall be recovered by the commissioner of roads in the name of the board, from the contractor and his securities, as other debts are recoverable.

§ 12. That if a section remain unlet by reason of there being no bidder or the amount offered be deemed unjust, the commissioner of roads of the district may let the same by private contract, the contract price not to be more than estimated by the overseer and commissioner of roads, and no supervisor of said county or commissioner of the revenue or overseer of the roads therein, or other person authorized to represent the county in contracting for the working of any of the roads thereof, shall be in any way interested in any contract provided for in this act; and any violation of this provision shall render the contract null and void; and in case there be no contract, the overseer of the district shall take charge of

the road or section, and make or keep it in repair, and for that purpose may employ such number of laborers, teams, wagons and plows as may be necessary, and a just allowance shall be made for the teams, plows and other implements which may be furnished by private individuals, such allowance not to exceed that made by the county for like service immediately prior to the passage of this act; and a day's work shall be fixed at ten hours.

§ 13. That when any contractor shall die or remove from his district and shall have fully complied with the conditions of his contract to the date of his death or removal, the commissioner of roads and overseer may release the said contractor from his contract, and shall let the sections for the remainder of the term in the same way and on the same conditions as at the first letting.

§ 14. That every petition for a new road, or to lay out, open, alter or change a public road must first be presented to the commissioner of roads in the district in which the road is, who shall endorse thereon his approval or disapproval of the same, and his reasons therefor, which petition and the commissioner's report shall be laid before the county court at its next term, in open court, and the court shall appoint three discreet freeholders to view the ground of any new road or of proposed change; the county or other competent surveyor shall accompany the viewers, and if necessary survey and map the road. The whole number of viewers must view, but a majority may decide for or against, and they may view and make report of and estimates for any modification of the route.

§ 15. That notice of the time and place when the viewers shall meet shall be given in some public manner in the vicinage of the proposed road at least five days before the time of meeting. The viewers, before they proceed to discharge their duties, shall be severally sworn by the commissioner of roads, or some other person authorized to administer oaths, to perform their duties impartially and to the best of their judgment. If they decide that there is a public necessity for the road or change, they shall lay out the same, having respect for the shortest distance and the best ground, and so as to do the least injury to private property, and also, as far as practicable, to be agreeable to the petitioners. They shall assess the damage done to the land through which the road passes, taking into consideration the advantage to be derived from the road passing through the land, and shall report in writing to the next term of court; but in no case shall any garden, yard, orchard, or any part thereof, be taken without the consent of the owner.

§ 16. That the court shall examine the amount of the damages assessed, and if satisfied that the public interest will be subserved by its payment and the opening of the road, or the proposed change, shall approve the report and order the damages to be paid by the magisterial district or district through which the road may pass, in such proportion as the damage may have been assessed in the said districts, respectively; but upon the return of the report of the viewers the proprietors and tenants of lands upon which said road will be if established shall be summoned to show cause against said report, and if any proprietor or tenant of lands on which said road

will be, if established, may enter himself a party defendant to said petition, after which the same proceedings shall be had as under the general road law of the state upon the return of the report of the commissioner of roads; provided that the viewers and surveyors shall be paid out of the county treasury; and provided, further, that no such opening or change of road shall be made through any enclosed lands, except by consent of the proprietor, until the damages allowed him shall be actually paid.

§ 17. That the county court shall, at the time when any new road is established, direct what width the roadbed shall be made, and shall have power to regulate the width of all roads; provided that the land condemned for any new road shall not be less in width than thirty feet.

§ 18. That the court may, at its discretion, grant a second or third review, the viewers to be paid one dollar per diem and the county or other surveyor two dollars per diem, to be paid as provided for in section sixteen of this act.

§ 20. That the clerk of the county court shall keep a road docket, in which all proceedings in regard to roads in the county shall be kept on record.

§ 21. That in case of a road or line dividing two magisterial districts the commissioners of roads of the adjoining districts shall divide the said road between such districts in such ways as will equitably divide the expense, if they can agree, and in case they cannot agree the county court shall divide the same and direct what part of said road shall be opened and kept in repair by each magisterial district.

§ 22. Any overseer or contractor shall have power to enter upon any lands adjoining his road or section to make necessary repairs, drains, or ditches.

§ 23. That the board of commissioners of roads for their respective districts shall annually in the month of July of each year lay a road tax, not exceeding fifteen cents on every one hundred dollars of value of property, real and personal, within their districts, and immediately certify the same to the commissioner of the revenue for their respective districts, who shall, thereupon, extend the said taxes in the copies of his books to be delivered to the clerk of the county court and to the treasurer of the county. Should any contractor under the operation of this act be injured or damaged by the repeal of section nineteen of the aforesaid act, entitled an act to provide for the working of roads in the county of Fauquier, said board of commissioners of roads shall hear the complaint, and upon evidence before it assess the damage done the contractor and pay the same out of the road tax aforesaid. Should the contractor be dissatisfied with the decision of said board of commissioners of roads he may within thirty days appeal as of right to the county court. The board of commissioners of roads shall be summoned to appear before said county court, the appeal be heard, without formal pleadings, as are appeals from the judgments of justices of the peace, and the judgment of the county court shall be final. When the decision of the board of commissioners of roads is reversed by the judgment of the

county court said board of commissioners shall provide out of said road tax for the payment of the judgment and all costs incident to the appeal.

§ 24. That the treasurer of the county shall collect the road tax in the same manner and at the same times and places he receives the state and county taxes, and pay the same over to the commissioners of roads of the several districts. He shall be charged with the full amount of the road taxes levied for the year, and credited by all sums paid over in money or otherwise, as herein provided. The treasurer shall receive as equivalent to money all accounts for labor, teams, plows, wagons, material furnished, or for services rendered in any way, when properly certified by the commissioner or overseer, and the same shall be receipted for by the commissioner as if paid to him in money. Each commissioner of roads acting under the provisions of this act shall settle with the board of commissioners of roads on the first Monday in September of each year, or as soon thereafter as the said board shall meet, and account for all moneys received by him from the treasurer for road purposes, and pay over any balances in his hands to his successor in office, which shall be placed to the credit of the board and appropriated for road purposes.

§ 25. That all persons who shall make payment of road taxes on or before the first day of December shall be entitled to a deduction of five per centum, and any person failing to pay any road taxes to the treasurer by the first day of December shall incur a penalty equal in amount to that incurred for non-payment of state taxes, which shall be added to the road taxes and collected and accounted for as provided for in case of state and county taxes.

§ 26. That the board of commissioners of roads shall annually, on the first Monday in June, audit, adjust, and settle the accounts of the treasurer for the preceding year. They shall charge the treasurer with the full amount of the road tax levied in the district, and shall credit him by his commissions delinquents, and all payments made by him to the commissioner of roads for which he has the proper receipt. The treasurer shall receive the same per centum for collecting road taxes as for collecting the state revenue. He shall pay said road taxes received and collected by him upon warrants issued by the board of commissioners of roads.

§ 27. Any person or persons causing water to be diverted from its natural course and conveyed across a public highway, or who, by the erection of waste gates or any other means, shall cause water to flow or be conducted over such public highway shall place and keep in good repair bridges over the same at his or her expense, and if the commissioner or overseer of roads shall notify such person or persons that his or their bridge is unsafe, and such person or persons shall fail to make the necessary repairs, he or they shall be held responsible for all damages, to be recovered by warrant before a justice of the peace, or court of competent jurisdiction, that may result from such failure. Within ten days after such failure the commissioner or overseer may make such repairs and require such party or parties to pay all costs thereby incurred, which costs may be recovered before a justice of the peace or court of competent jurisdiction.

§ 28. That upon the petition of twenty freeholders of each district the board of supervisors, if a majority of them shall so determine, may direct that the county surveyor shall make a survey and map of the county, showing on the same the boundaries of each magisterial district, marking the location of towns, stores, mills, post-offices, churches, school-houses, and other prominent objects, indicating beds of minerals; all the mappings to be completed in three years from the first day of January, eighteen hundred and seventy-six.

§ 29. That the compensation of the surveyor shall be fixed by the board of supervisors, and shall not exceed two dollars and fifty cents per diem for the time actually employed.

§ 30. That the price of the map on rollers shall not exceed five dollars, and that each person whose levy for map purposes shall in three years be equal to five dollars shall be entitled to a copy, and each person whose levy does not reach five dollars shall have a copy by paying the difference between his levy and the price of the map. The said maps shall be under the control of the surveyor: provided the price of the same shall be fixed by the board of supervisors.

§ 31. At the discretion of the board of supervisors of Fauquier the general road law of this state, except so far as the same is in conflict with this act, may be in force in the county of Fauquier.

§ 32. All acts heretofore passed by the general assembly in reference to the county roads of Fauquier are hereby repealed.

§ 33. All incumbents of offices under the road law now in force in Fauquier will continue in office and discharge the duties of the same until their successors are duly appointed and qualified under the provisions of this act.

§ 34. This act shall be in force from its passage.

ADDENDUM.

Schedule of prices allowed for the use of teams, plows, wagons, and other implements used on public roads, as fixed by the board of supervisors on the seventh of May, eighteen hundred and seventy-five:

For four-horse team and wagon (driver's services being due as laborer on road), \$3; for two-horse team and wagon (driver's services being due as laborer on road), \$2; for ox team and wagon (driver's services being due as laborer on road), \$2; for plow and two horses (driver's services being due as laborer on road), \$2; and where the the driver does not belong on the road he is to be paid the additional sum of eighty cents.

CHAP. 794.—An ACT to incorporate the town of Potomac, in Prince William county.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That so much of the land as lies and is contained within the following boundaries—namely: Beginning at a point midway between North Point and the island in Chappawansic creek; thence up the south bank or shore of said creek to the telegraph road; thence along said telegraph road to the waters of Little creek; thence down the centre of said creek to the line dividing the lands of Misters Groves and Ennis; thence northerly along said line to the channel of Quantico bay; thence to the north bank of said Quantico; thence alongside north bank to the middle of Potomac river; thence along said line to a point opposite the place of beginning; thence westerly to the initial point, shall be, and is hereby, made a town corporate by the name and style of the town of Potomac, and by that name may sue and be sued, and by that name and style shall have and exercise the powers hereinafter granted or conferred upon towns by all the laws now in force or that may hereafter be enacted for the government of towns containing less than five thousand inhabitants.

2. The municipal authorities of said town shall consist of one mayor and four councilmen, who shall be chosen annually by ballot on the first Tuesday in May. Any qualified voter of the county of Prince William and residing within the corporate limits of the town of Potomac shall be entitled to vote at all elections under this act of incorporation. C. E. Nash, of said town, is hereby authorized and empowered to hold said election between the hours of two and six o'clock post meridian, and shall call in two qualified voters of said town to aid him in deciding any contest in reference to the right to vote of any individual and to witness the counting of the ballots. In case it is impossible to decide the persons elected councilmen by reason of a tie, the said C. E. Nash shall determine, in the presence of two such said qualified voters of said town, by lot every case of the kind arising. A contest between two persons voted for as mayor, on the ground of each having received the same number of votes, shall likewise be decided by lot by the said C. E. Nash in the presence of the said qualified voters. The said C. E. Nash shall immediately thereafter, and the clerk of said council after each election thereafter held, make out and deliver to the mayor and each one of the councilmen-elect a certificate of his election, and shall administer to said mayor and councilmen the oaths of office required by the constitution and laws of Virginia. The term of office of said mayor and councilmen shall commence on the first day of July succeeding their election and continue for the space of one year and until their successors are elected and qualified. On the first Monday in July of each year the said councilmen, or a majority of them, shall elect by ballot a clerk and sergeant from among the residents of the corporate limits, which officers shall hold their

terms of office for the space of one year or until their successors have been elected and qualified. The said clerk and sergeant shall qualify by taking the oath of office before the clerk or other person authorized to administer oaths, and may be removed from office by the unanimous vote of the council. All the officers of the corporation shall serve without compensation except as hereinafter provided. The said council shall appoint its own time of meeting; a quorum to consist of a majority of the councilmen qualified; in no case, however, to be less than two to constitute a quorum. Vacancies in the offices of clerk and sergeant, from any cause, shall be filled by the council of said town. The mayor shall be the presiding officer of the council, but shall have no vote except in a case of a tie. He shall be ex-officio a justice of the peace of Prince William county, and shall be charged specially with the power and jurisdiction to enforce the ordinances and by-laws of said town, and shall receive as compensation therefor the fees now allowed by law for such services and no other or further compensation whatever. He may call special meetings of the council by giving notice to each member thereof. The clerk of said council shall keep a correct record of the proceedings of the council, shall provide the books and stationery ordered by the council, make out a list of all property, real and personal, within the corporate limits for assessment, taking as a basis of valuation of the property, both real and personal, and conforming in every respect thereto, the assessor's and commissioner's books in district number two of Prince William county, and shall issue tickets for the taxes levied by the council, and shall deliver said tickets to the sergeant for collection; shall draw warrants on the sergeant ordered by the council; shall have power to administer any oath required under this act or under any ordinance of the council, and he shall be paid annually such sums as the council may determine and direct, not, however, to exceed the sum of fifty dollars for any one year. The sergeant shall collect the taxes voted by the council, and for collecting and paying out the same shall be allowed two and one-half per centum. He shall have the same power and authority of any constable or collector of Prince William county, and shall be entitled to the same fees, except as herein provided. He shall pay out the money of the corporation in his hands on the warrants of the mayor and clerk certifying that it is drawn by order of the council. He shall perform all the duties of overseer of roads or streets within the corporate limits in accordance with the laws of Virginia and the ordinances of the town.

3. The corporate limits of said town of Potomac, is hereby, created and declared to be a separate and distinct road district of Prince William county, and no road tax shall be levied on any property within said limits except by the council of Potomac, to be expended within said limits on the streets and roads therein by the sergeant of the town under the direction and supervision of the council. For his services as overseer of roads and streets the sergeant shall be entitled to the same compensation allowed by law to overseers of roads under the general road law of Virginia. The council shall have control of all streets and roads within the corporate limits of the town,

4. The town sergeant shall, before entering upon the discharge of the duties of his office, execute a bond in the penalty of one thousand dollars, conditioned for the faithful performance of all his duties. The sureties of said sergeant shall justify as to their sufficiency before the mayor, and said bond shall receive the written approval of the mayor certifying as to its validity and sufficiency and then be filed with the clerk.

5. The council shall have the power to regulate and prohibit the running at large of animals, to prohibit the obstruction of streets and sidewalks; to provide for order and quiet and the observance of the sabbath within the corporation; to regulate the sale of intoxicating liquors; to pass ordinances carrying into effect the objects of incorporation, the said ordinances not to be in contravention of any laws of the state, and to punish the violation of said ordinances by fine and imprisonment; provided that any fine imposed upon a minor shall be paid by his parent or guardian. The officers of said town and the council thereof shall have all the powers granted to officers and to the councils of towns corporate under existing general laws not inconsistent with this act.

6. The schools within said corporate limits shall remain under the management of the school officers and be subject to the laws of the Dumfries district governing the same, and in nowise to be made a separate district therefrom.

7. This act shall be in force from its passage.

CHAP. 795.—An ACT to change the name of Millners voting precinct, in Amherst county, to Allwood voting precinct.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That Millners precinct, in the county of Amherst, as the same is now laid off and designated, shall be, and the same is hereby, named Allwood voting precinct of Amherst county.

2. This act shall be in force on and after the first day of April, eighteen hundred and ninety-six.

CHAP. 796.—An ACT to authorize the board of supervisors of Smyth county to increase the salary of county judge.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Smyth county are authorized and empowered, in their discretion, to increase the salary of the county

judge of said county, so that the same shall not exceed one thousand dollars; said salary to be provided out of the county levy for said county.

2. This act shall be in force from its passage.

CHAP. 797 —An ACT to confirm the organization and corporate existence of and to grant certain powers to the Washington, Arlington, and Falls Church railway company.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the organization and corporate existence of the Washington, Arlington, and Falls Church railway company be, and the same is hereby, ratified, validated, and confirmed, and the said company is hereby recognized and declared to be a body politic and corporate of this state.

2. That the said company is authorized to extend its present lines of railway westward from Washington, District of Columbia, through Alexandria, Fairfax, Loudoun, Fauquier, Clarke, and Frederick counties: provided such extension shall be completed within five years from the passage of this act.

3. That it shall have power to acquire and operate other lines of railway, either within or without this state, by purchase, lease, or grant, and to connect its lines or extensions with other lines of railway.

4. That it shall have power to acquire necessary lands for its lines of railway, terminals, depots, stations, or other necessary purposes by purchase or by condemnation.

5. That it shall have power to issue bonds, secured by a mortgage on its corporate property and franchises, when authorized by a general meeting of its stockholders.

6. That the said company shall have power at any general meeting of stockholders to increase its capital stock to an amount not exceeding one hundred thousand dollars, or its mortgage indebtedness to such amounts as it may from time to time deem expedient, and the same shall be increased accordingly. This corporation shall be subject to the general provisions of the statutes in reference to chartered companies in this state when not in conflict with this act.

7. That all taxes that may become due the state of Virginia shall be paid in lawful money, and not in coupons.

8. That the legislature reserves the right to amend this act.

9. That this act shall be in force from its passage.

CHAP. 798.—An ACT to place the ferry across New river, at Ripplemead, Giles county, Virginia, commonly known as Snidow's and Mason's ferry, under the control of the general laws governing ferries in this state.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the ferry across New river, at Ripplemead, in the county of Giles, in the state of Virginia, commonly known as Snidow's and Mason's ferry, shall be, and the same is hereby, made subject to and controlled by all the laws of the state of Virginia now in force governing ferries established by the law as it now exists.

2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 799.—An ACT to amend and re-enact an act entitled an act to incorporate the Southwestern railroad company, approved February 27, 1894.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That William P. Douglas, Douglas Robinson, junior, Herbert C. Plass, Daniel Trigg, W. W. Betts, E. A. Irvin, R. M. Page, and Frederick M. Leonard, and such other persons as may be associated with them, and their successors, are hereby created and declared to be a body politic and corporate by the name and style of the Southwestern railroad company of Virginia, and by such name shall have perpetual succession, and may contract and be contracted with, sue and be sued, make and use a common seal and alter the same at pleasure, and make such by-laws, rules, and regulations for the government of said corporation and the conduct of its business as may be deemed necessary, not in conflict with the constitution and the laws of this state or of the United States.

2. The capital stock of the said company shall not be less than ten thousand dollars, to be divided into shares of one hundred dollars each, and the same may be increased from time to time by additional subscriptions to such amount, not exceeding five hundred thousand dollars, as the stockholders at any general or special meeting may authorize or prescribe. The said company may receive subscriptions to its capital stock or payment for its shares to be issued in money, land, or other property upon such terms as shall be agreed upon or authorized by the board of directors, and may give preference to a portion of its capital stock over the residue thereof or to dividends and the payment thereof.

3. The corporators herein above named, or any three of them, may receive subscriptions to the capital stock of said company, and when the minimum capital of ten thousand dollars shall have been sub-

scribed the said subscribers may organize said company by the election of five directors, of whom they shall elect one as president, to remain in office one year and until their successors are elected, unless sooner removed by the stockholders. After organization as aforesaid the stockholders, at a general meeting, may change the number of directors and may provide for the proper government of the company by such by-laws as they may deem fit, as hereinbefore authorized. The board of directors may appoint such subordinate agents and officers as they may deem necessary and proper to the conduct of the business of the company.

4. The said company is hereby authorized and empowered to locate, construct, build, equip, operate and maintain a line of railway of standard gauge and standard quality, to any point on the Norfolk and western railroad between Marion, in the county of Smyth, and the town of Abingdon, in the county of Washington, from the lands of the Douglas company, in the counties of Washington, Smyth and Grayson, and to connect the same with any line of railroad now built or authorized to be built, and shall have the right by a majority vote of its stockholders to consolidate and merge its property and franchises into any other railroad in or outside of said state, and shall have power to execute contracts for the purposes of such connection, merger or consolidation, and any company so formed by such merger and consolidation, and under such name as it may adopt and set forth in the contract of consolidation so executed shall be entitled to all the property, rights and franchises, and be subject to the liabilities of the companies so consolidated; and the said named company shall have power to subscribe to the capital stock or to endorse the bonds of any railroad company or other incorporated company.

5. The said company shall have power to borrow money, to issue and negotiate bonds for the security of such loans and to secure the same by mortgage, deeds of trust or otherwise upon the whole or any part of its property and franchises, or either. It shall be lawful for said company to sell its bonds from time to time for such sums and upon such terms as the board of directors may deem expedient for the prosecution of the work and business of the company. No stockholders shall be held individually liable for any of the debts or liabilities of the company in any further or larger sum than the amount that may be due and unpaid upon his stock subscription.

6. The said company is hereby invested with all the powers and privileges conferred by the general laws of this state applicable to railroad corporations and works of internal improvement, including the right to condemn lands for its purposes, and shall be subject to all the restrictions of said laws, except in so far as the same are modified or changed by the provisions of this act.

7. The said company by its acceptance of this charter thereby agrees to pay all public dues, demands and taxes due or to become due to the state of Virginia in lawful money of the United States, and not in coupons.

8. This act is subject to the proviso that the work of construction hereunder shall be begun within two years and be completed within

five years from the fourth day of March, eighteen hundred and ninety-six, to which end and for which purpose the provisions of the said act of February twenty-seventh, eighteen hundred and ninety-four, are hereby extended for two years from the said twenty-seventh of February, eighteen hundred and ninety-six, within which time the said work of construction may be begun, and to be completed within five years from the said twenty-seventh of February, eighteen hundred and ninety-six.

9. This act shall be force from its passage.

CHAP. 800.—An ACT to incorporate the New river bridge company.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That, for the purposes hereinafter declared, M. W. Bryan, L. H. Cocke, L. S. Davis, J. M. Wirgman, and C. S. Thorne, and such persons as may become associated with them, and their successors, are hereby created and constituted a corporation under the laws of the state of Virginia under the name and style of New river bridge company, and by that name shall have all the general powers accorded to corporations under the laws of this state.

2. The capital stock of the company shall be not less than fifty thousand dollars, to be divided into shares of one hundred dollars, and the same may be increased at any time by the board of directors to a sum not to exceed one hundred thousand dollars. The company may receive in payment of the subscriptions to its capital stock money, land, labor, material, or other things necessary to the company in the conduct of its business, but when anything else other than money is offered in payment for a subscription to the capital stock it must be upon such valuation as may be agreed upon by the board of directors.

3. The corporators herein above named, or any others of them, may receive subscriptions to the capital stock of said company, and when the minimum capital of fifty thousand dollars shall have been subscribed the said subscribers may proceed to the organization of said company by the adoption of by-laws for the management of the affairs of the board and by the election of five directors, of whom the subscribers shall elect one as a president, and said president and directors shall continue in office for one year from the date of their election and until their successors shall have been elected in such manner as may be prescribed by the by-laws.

4. The said company is hereby authorized to construct, equip, maintain, and operate a toll bridge across New river at any point on the same where said river constitutes the boundary line between the county of Montgomery and the city of Radford and the county of Pulaski, or it may acquire any bridge that may now exist across

said river in the limits above described upon such terms as may be agreed upon between said company and the owner or owners of said bridge.

5. If said company shall not erect or acquire, by purchase or otherwise, a bridge across New river within two years from the passage of this act, then the privileges granted by this act shall cease.

6. At any time after the completion of a bridge as herein authorized to be constructed, or after any bridge now in existence has been acquired by said company, the company may demand and receive such tolls for passing over the same as the directors of the company may from time to time prescribe, not exceeding the following: For each person, five cents; for each horse, mule, or work ox, five cents; for each vehicle on wheels, three cents per wheel; for each head of neat cattle, three cents; for each hog or sheep, one cent; provided, however, that persons who have bought a lot or lots from the West Radford land and improvement company and have built upon said lot or lots shall have free passage over said bridge for themselves and their families; and provided, further, that the owners, teachers, and pupils of Saint Albans school shall also have free passage over said bridge.

7. The said company, except as herein provided, shall be subject to the rules and regulations as set forth in the code of Virginia in section thirteen hundred and eighty-eight and the sections following in that chapter.

8. This act shall be in force from its passage.

CHAP. 801.—An ACT to authorize E. A. Morrison, of the city of Petersburg, to erect a wharf on Rappahannock river, in Westmoreland county.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That E. A. Morrison, of the city of Petersburg, Virginia, be, and he is hereby, authorized to erect a wharf at some suitable point on his farm on the Rappahannock river, in Westmoreland county, for his own private use; provided said wharf shall at all times be subject to the laws of the state governing wharves erected in the waters of the commonwealth; and provided, also, that this act shall at all times be subject to amendment, alteration or repeal by the general assembly of Virginia.

2. This act shall be in force from its passage.

CHAP. 802.—An ACT authorizing the purchasers of the property and franchises of the South Atlantic and Ohio railroad company, their assigns and successors to become a corporation, to adopt a name therefor, and to possess and exercise general powers, and authorizing the leasing to or by and the consolidation therewith of other corporations.

Approved March 4, 1896.

Whereas two certain suits in equity are now pending in the circuit court of the United States of America for the western district of Virginia, in one of which the American loan and trust company of New York is complainant, and the South Atlantic and Ohio railroad company, a corporation organized and existing under the laws of the state of Virginia, is defendant, and in the other of which the Central trust company of New York is complainant and said South Atlantic and Ohio railroad company and others are defendants, in which suits it is sought to foreclose a certain mortgage or deed of trust made by said South Atlantic and Ohio railroad company to said American loan and trust company of New York, and in order to satisfy the said mortgage and other liens on the property of said South Atlantic and Ohio railroad company to sell the whole of the property, rights, powers, privileges, and franchises of said South Atlantic and Ohio railroad company; and

Whereas it is deemed desirable and for the interest of this commonwealth that the said railroad property shall be sold and reorganized in such manner and under such conditions as to secure the largest and best possible facilities and advantages of transportation and communication for the people of this state; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the purchaser or purchasers of the said mortgaged premises of the said South Atlantic and Ohio railroad company, at the foreclosure sale thereof in the course of the said suits in equity, or either of them, and such person or persons as he or they may associate with himself or themselves, shall forthwith be, and they hereby are, constituted a body politic and corporate by the name which they may select as set forth in the conveyance of said mortgaged premises or in any writing signed by him or them and recorded in the court in which the said conveyance shall be recorded; and such new corporation shall have, possess and be invested with all the estate, right, title and interest in and to such railroad and other property, with their appurtenances, and all the franchises, rights and privileges had and possessed by the said South Atlantic and Ohio railroad company to the same extent as a purchaser under sections twelve hundred and thirty-three and twelve hundred and thirty-four of the code of Virginia, and shall perform all the duties prescribed by said sections of said code; provided, however, that said new corporation shall not be limited as to the amount or classification of its stock or bonds, except that the total amount of stock issued shall not exceed the maximum amount which said South Atlantic and Ohio railroad company is now by law authorized to issue, and shall have no immunity from any lawful state, county or municipal taxation by reason of the for-

mer charter or any law heretofore exempting it from taxation; and provided, further, that such new corporation shall be entitled to any and all the debts due said South Atlantic and Ohio railroad company which the purchaser may purchase at such sale.

2. Such purchaser or purchasers may associate with him or them any number of persons in the organization of the new corporation, which may create and issue its stock and its bonds, secured by mortgage or otherwise, according to any plan adopted by such purchaser or purchasers and filed as hereinafter provided.

3. It shall be the duty of such new corporation, within six months after the conveyance to it of said mortgaged premises, to execute a certificate in writing under its common seal, attested by the signature of its president or vice-president, referring to the sale and conveyance by which it shall have acquired title to such premises and the plan of organization adopted by the purchasers, the amount and classes or kinds of capital stock and mortgaged bonds or other obligations authorized to be issued, and also specifying the name of such new corporation and of its president and the number and names of its directors, which certificate shall be filed in the office of the secretary of the commonwealth of Virginia, and a certified copy thereof shall be conclusive evidence of the existence of such new corporation.

4. In addition to its other powers such new corporation shall have, and from time to time, as occasion arises, may exercise, the following powers, or any of them, namely:

(a) With the approval of a majority of its stockholders, given at a meeting, it may from time to time lease, use, operate, consolidate with, or purchase or otherwise acquire, or be leased, used, operated by, or consolidated with any railroad or transportation company now or hereafter incorporated by the laws of the United States, or of any of the states thereof, or any one or more of such railroad or transportation companies, or any other railroad or transportation company or companies which now are or hereafter may be leased, or used, or operated by, or consolidated with any one or more of such railroad or transportation companies; and from time to time it may consolidate its capital stock, property and franchises, by change of name or otherwise, with the capital stock, property and franchises of any other railroad or transportation company, power being hereby granted to any railroad or transportation company or companies incorporated by or under any act or acts of the general assembly of the state of Virginia, with the approval of a majority in amount of its or their shareholders, respectively, given at a meeting, to make and carry out such contracts of consolidation, or lease, sale, or other method of acquisition: provided that in all consolidations a copy of the agreement therefor shall be filed in the office of the secretary of the commonwealth of Virginia; and that any corporation with which said new corporation may consolidate, or which it may lease, shall be or remain subject to the jurisdiction of the courts of this state, and all lines of railroad operated by it in the state of Virginia shall be subject to the general laws of the state.

(b) It may from time to time purchase, own, and hold bonds or

other evidences of debt and shares of the capital stock of any railroad company or companies formed under the laws of this or any other state, and from time to time may guarantee or assume the bonds, evidences of indebtedness, or capital stock, of any such railroad company.

5. Said new corporation may issue its capital stock of one or more classes or kinds and in one or more series or grades, with such preferences, conditions, and voting power as shall be provided in said plan of organization, or as may be agreed on by a majority in amount of the stockholders at any meeting called for the purpose, and from time to time it may increase or decrease the amount of any class or kind or grade of such stock as shall be provided in said plan of reorganization, or with the approval of a majority in amount of the stockholders given at a meeting of stockholders called for that purpose, unless and except as otherwise expressly provided in certificates representing stock previously issued. The shares of each class of stock shall be of such par amount, and shall entitle the holder to such vote, respectively, as shall be determined in the said plan of reorganization or by the stockholders in like manner.

6. Such new corporation may borrow money and issue bonds or other evidence of indebtedness therefor, and may secure the same from time to time by mortgage or deed of trust upon any or all of its property and franchises; and such new corporation from time to time may issue and sell its bonds and its capital stock at such prices and on such terms as shall be specified in said plan of organization or as a majority in amount of the stockholders shall approve at any meeting, and may receive in payment therefor property, securities, or shares in any corporation mentioned in this act, and any stock so issued shall be deemed fully paid and free from any liability.

7. The business, property, and concerns of said corporation shall be managed by a board of directors consisting of not less than five members, and one of their number shall be chosen as president. The stockholders may adopt by-laws for the government of the stock, property, and concerns of the corporation and for the regulation of its directors, officers, and agents; and in and by such by-laws the stockholders may prescribe how such by-laws may be amended or repealed: provided, however, that until such by-laws shall be adopted by the stockholders the said corporation shall be governed by by-laws adopted in accordance with the plan of organization.

8. The principal office of the company shall be in the city of Bristol, in this state, at which all meetings of the stockholders shall be held, and all other offices and workshops of said company shall be located in the state of Virginia so far as the same may be practicable.

9. All taxes and debts due or to become due the state of Virginia by the corporation shall be paid in lawful money of the United States, and not in coupons.

10. The stockholders shall not be liable for the debts of the corporation in any further or greater sum than the unpaid balance, if any, on their respective subscriptions.

11. This act shall be in force from its passage.

CHAP. 803.—An ACT directing the librarian to turn over certain relics to the Confederate memorial literary society.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the secretary of the commonwealth be, and is hereby, instructed to deliver to the custody of the Confederate memorial literary society the following relics now in the possession of the state and in custody of the state librarian:

One great seal of the Confederate States.

General J. E. B. Stuart's headquarters' flag.

Confederate battle-flag.

Guidon.

Piece of iron plate from armor of the Confederate ram Virginia (Merrimac.)

Piece of flag that was on the capitol at the time of the evacuation.

Three "C. S." buckles.

Nothing in this act shall invalidate the ownership of the state in said relics, and the said Confederate memorial literary society are simply designated as the custodians of said relics for and on behalf of the state of Virginia.

All acts or parts of acts, so far as they conflict with the provisions of this act, are hereby repealed.

2. This act shall be in force from its passage.

CHAP. 804.—An ACT for the relief of Daniel B. Martin, of Lee county, a disabled Confederate soldier.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized to place the name of Daniel B. Martin, of the county of Lee, on the list of Confederate soldiers whose disabilities are partial and who are entitled to commutation allowed by an act of the general assembly of Virginia, approved March fifth, eighteen hundred and eighty-eight, as amended by act approved March fifth, eighteen hundred and ninety-two.

2. This act shall be in force from its passage.

CHAP. 805.—An ACT to place James S. Oden, of Fairfax county, on the pension list of the state of Virginia.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That James S. Oden, of Fairfax, shall, on account of disabilities incurred in the Confederate army, be placed on the pension list of the state of Virginia, commencing January first, eighteen hundred and ninety-six, and the auditor of public accounts is directed to pay him annually the sum of sixty dollars out of any money in the treasury not otherwise appropriated.

2. This act shall be in force from its passage.

CHAP. 806.—An ACT for the relief of John E. Collins, a disabled Confederate soldier.

Approved March 4, 1896.

Whereas John E. Collins, of Grayson county, Virginia, was a member of company K, fifty-first Virginia regiment of the Confederate army during the late war, serving faithfully for nearly the entire term of said war; and

Whereas the said John E. Collins, while in the discharge of his duty under orders—to-wit: carrying a message to the captain of his company—was thrown from his horse, said horse falling upon the ice, and thereby receiving a serious and permanent injury to his right shoulder, which has ever since incapacitated the said John E. Collins from making a living by manual labor to almost as great an extent as if he had lost his right arm; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to enroll the said John E. Collins on the pension list as entitled to the same pension as he would receive for the total loss of his arm in the service, to-wit, thirty dollars per annum.

2. This act shall be in force from its passage.

CHAP. 807.—An ACT for the relief of Byram Hall, a wounded Confederate soldier, of Grayson county.

Approved March 4, 1896.

Whereas Byram Hall was wounded in the left leg while serving as a Confederate soldier in the eighth regiment of Virginia cavalry in the late war; and

Whereas the wound from which he suffers incapacitates him from making a living by manual labor; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to place the name of the said Byram Hall on the pension rolls as entitled to a pension of fifteen dollars per annum; provided that he shall first get the certificate of the county court of Grayson that he is not ineligible by reason of property in his or his wife's name in excess of one thousand dollars, or being an office holder with salary of three hundred dollars per year, or by reason of receiving any other pension.

2. This act shall be in force from its passage.

CHAP. 808.—An ACT for the relief of W. M. Nuckols, of the county of Rockbridge.

Approved March 4, 1866.

Whereas W. M. Nuckols, of the county of Rockbridge, entered the Confederate service in eighteen hundred and sixty-one, at the age of fifteen, as courier for General Edward Johnson; and

Whereas in August, eighteen hundred and sixty-two, he was sent from Culpeper Courthouse to Staunton by railroad train to assist in transporting a lot of horses for the army service, and while in transit and in the discharge of his duty he was thrown from the train at a point near Gordonsville and so injured that amputation of one of his legs was necessary; and

Whereas he was too young to be regularly enlisted as a Confederate soldier, and therefore is not entitled to a pension under an act approved March fifth, eighteen hundred and eighty-eight, as amended by an act approved March first, eighteen hundred and ninety-two: therefore,

1. Be it enacted by the general assembly of Virginia, That W. M. Nuckols, of the county of Rockbridge, shall be placed on the pension list of the state of Virginia, commencing January first, eighteen hundred and ninety-six, and the auditor of public accounts is directed to pay him annually such sum as is now or may hereafter be allowed to those who lost a leg in the Confederate army out of any moneys not otherwise appropriated; provided, however, that it shall be proven by satisfactory evidence before the county court of Rockbridge county that said W. M. Nuckols was at the time he received the injuries herein stated in the Confederate service, and it shall also be proven to what command he belonged.

2. This act shall be in force from its passage.

CHAP. 809.—An ACT to place George W. Johnson, of Prince William county, on the pension list of the state of Virginia.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That George W. Johnson, of Prince William county, shall, on account of disabilities partially incurred by service in the Confederate army, be placed on the pension list of the state of Virginia, commencing January first, eighteen hundred and ninety-six, and the auditor of public accounts is directed to pay him annually the sum of thirty dollars out of any money in the treasury not otherwise appropriated.

2. This act shall be in force from its passage.

CHAP. 810.—An ACT for the relief of Robert S. Robertson, a disabled Confederate soldier.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized to place the name of Robert S. Robertson, of the county of Frederick, who was a member of company K, seventh regiment of cavalry, Rosser's brigade, on the list of Confederate soldiers who lost both legs in the late war who are entitled to commutation to disabled soldiers allowed by an act of the general assembly as approved March fifth, eighteen hundred and eighty-eight, as amended by an act approved March first, eighteen hundred and ninety-two, and that said Robert S. Robertson, as such disabled soldier, be entitled to the profits and provisions of said act of assembly as fully as if he had lost said limbs in action to the amount of sixty dollars, he having had his right leg shattered by a shell at Spotsylvania courthouse on twelfth May, eighteen hundred and sixty-three, as heretofore proven in the county court of Frederick county at the April term, eighteen hundred and eighty-eight; and said leg having become diseased for so long its amputation would result in death, as shown by the affidavits of several physicians; and it also being shown that the left leg, by the long excessive strain, is giving away, as well as his whole physical structure, and that his weakness and suffering, coupled with his poverty, entitle him to the full benefits of the aforesaid act. A copy of this act, as well as the usual certificate of the court for the term aforesaid shall be certified to the auditor of public accounts by the clerk of said county court.

2. This act shall be in force from its passage.

CHAP. 811.—An ACT for the relief of C. S. Burks, a blind Confederate soldier.

Approved March 4, 1896.

Whereas C. S. Burks, a Confederate soldier, residing in Botetourt county, did, by exposure in the army service, have his eyesight impaired; and

Whereas he did, a few years after the war, lose the sight of both eyes, and has been totally blind for a number of years; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts is directed to enroll the said C. S. Burks on the pension list as entitled to the pension provided by the laws of this state for total disability entitling him to thirty dollars per annum.

2. This act shall be in force from its passage.

CHAP. 812.—An ACT for the relief of Ephraim Williams, a Confederate soldier, of Carroll county.

Approved March 4, 1896.

Whereas Ephraim Williams, a Confederate soldier, of Carroll county, Virginia, is now upon the pension list of Confederate soldiers and is receiving a pension of fifteen dollars a year; and

Whereas the said Ephraim Williams is a very old man, and since he was placed on said list has been paralyzed and is incapable of supporting himself by manual labor, and is very poor; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and is hereby, directed to place the name of the said Ephraim Williams on the pension list of Virginia Confederate soldiers at the rate of thirty dollars per annum.

2. This act shall be in force from its passage.

CHAP. 813.—An ACT to place the name of Benjamin E. Ward, a Confederate soldier, of Lunenburg county, on the pension roll.

Approved March 4, 1896.

Whereas Benjamin E. Ward, of Lunenburg county, a private in company E, twenty-second battalion, Field's brigade, and was wounded in a skirmish at Fort Clifton during the late war between the states; and

Whereas he was allowed a pension of fifteen dollars per annum by the county court of Lunenburg county, but the payment of which

was refused by the auditor of public accounts because the said B. E. Ward's case did not come technically under the law to pension soldiers, sailors, and marines of Virginia disabled in the war between the states; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and is hereby, directed to place the name of Benjamin E. Ward on the pension rolls of Virginia as entitled to receive a pension of fifteen dollars per year.

2. This act shall be in force from its passage.

CHAP. 814.—An ACT to place H. C. Harover, of Prince William county, on the pension list of the state of Virginia.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That H. C. Harover, of Prince William county, shall, on account of disabilities incurred by service in the Confederate army, be placed on the pension list of the state of Virginia, commencing January first, eighteen hundred and ninety-six, and the auditor of public accounts is directed to pay him annually the sum of thirty dollars out of any money in the treasury not otherwise appropriated.

2. This act shall be in force from its passage.

CHAP. 815.—An ACT to place the name of W. W. Mink, of Lee county, on the pension list.

Approved March 4, 1896.

Whereas W. W. Mink, of Lee county, Virginia, was a member of company K, of General A. L. Pridemore's regiment, of the Confederate army, and was badly wounded by a sabre cut across the head in an engagement with the Federal forces at Cumberland Gap on the twenty-ninth day of November, eighteen hundred and sixty-three, being there captured and sent to Camp Chase, Ohio, and thence to Fort Delaware, where he remained until the surrender; and

Whereas the said Mink, who is very poor and has a family, still suffers severely from this wound, and also from bone scurvy contracted in prison, which disabilities practically disable him from manual labor: therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be directed to place the name of W. W. Mink on the pension list as entitled to the pension provided by law for those soldiers who were partially disabled by wounds received and disabilities incurred in the service.

2. This act shall be in force from its passage.

CHAP. 816.—An ACT to authorize Alfred Oury, of Wythe county, to be placed on the pension list.

Approved March 4, 1896.

Whereas Alfred Oury, a Confederate soldier (a member of the Stonewall brigade and also a courier for General J. E. B. Stuart), of Wythe county, Virginia, is alleged to be totally disabled by reason of chronic rheumatism, brought on by long and continuous exposure while serving in the army of northern Virginia, and is therefore unable to perform any kind of manual labor in support of himself and family, and is now bedridden and unable to walk; therefore,

1. Be it enacted by the general assembly of Virginia, That if it shall be proved before the county court of Wythe county and so certified to by the auditor of public accounts that the said Alfred Oury's disability from the cause aforesaid is total and equal to the loss of a limb and that he has no means of support for himself and family, then the auditor is directed to list him for a pension of thirty dollars.

2. This act shall be in force from its passage.

CHAP. 817.—An ACT for the relief of Granville Kelly, a disabled Confederate soldier.

Approved March 4, 1896.

Whereas Granville Kelly, a Confederate soldier and a resident of Culpeper county, was by reason of military service in the Confederate army, so injured as to be totally disabled and unable to perform manual labor, and though not in the class described in the general statute as entitled to a pension of thirty dollars a year, is rendered helpless to a degree that justly entitles him to receive such pension; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to list said Granville Kelly for the pension of fifteen dollars; provided, however, that before the auditor shall be authorized to place the name of said Kelly on such list the said Kelly shall prove before the county court of Culpeper county, by competent and sufficient testimony, that he is suffering from a wound and disability equal to the loss of a leg or arm with respect to incapacitating him from manual labor, and that such wound or disability was received or occasioned by military service in the Confederate army as a soldier from the state of Virginia, and said Kelly shall produce to the said auditor of public accounts the certificate showing the proof and testimony aforesaid, and that said court is satisfied as to the truth and correctness of the same.

2. This act shall be in force from its passage.

CHAP. 818.—An ACT for the relief of Nancy Jane Rollins, the widow of a Confederate soldier.

Approved March 4, 1896.

Whereas Samuel Rollins, of the county of King George, received wounds while in the service of the Confederate states in the late war between the states, of which wounds he died several years after the war; and

Whereas Nancy Jane Rollins, the widow of the said Samuel Rollins, deceased, a resident of the county of King George, in the state of Virginia, is in very destitute circumstances, with no income whatever; therefore,

1. Be it enacted by the general assembly of Virginia, That upon proof of the alleged facts before the county court of King George county the auditor of public accounts is directed to pay to her, the said Nancy Jane Rollins, the sum of thirty dollars annually out of any money in the treasury not otherwise appropriated.

2. This act shall be in force from its passage.

CHAP. 819.—An ACT for the relief of C. M. Hicks, a Confederate soldier.

Approved March 4, 1896.

Whereas C. M. Hicks, a resident of Spotsylvania county, who was an honorable and faithful Confederate soldier in company D, thirtieth Virginia regiment, and was wounded in an engagement, taken prisoner, and is now seventy-two years old, infirm and in needy circumstances, which should entitle him to a pension; therefore,

1. Be it enacted by the general assembly of Virginia, That upon proof of the alleged facts before the county court of Spotsylvania the auditor of public accounts is directed to pay him annually the sum of thirty dollars out of any money in the treasury not otherwise appropriated.

2. This act shall be in force from its passage.

CHAP. 820.—An ACT for the relief of Starling S. Cooper, of Pittsylvania county, a disabled Confederate soldier.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, authorized to place the name of Starling S. Cooper, of the county of Pittsylvania, on

the list entitled to commutation to disabled soldiers allowed by an act of the general assembly approved March the first, eighteen hundred and ninety-two; that said Cooper having received severe wounds in both legs, and that he is unable to perform manual labor, as certified to by C. Acuff, medical doctor, and upon the proof of said disability furnished by said Cooper to the county court of Pittsylvania, that the said Cooper shall be listed for a pension of fifteen dollars.

2. This act shall be in force from its passage.

CHAP. 821.—An ACT for the relief of V. W. Gibson, a disabled Confederate soldier.

Approved March 4, 1896.

Whereas V. W. Gibson, a Confederate soldier and a resident of Pittsylvania county, was, by reason of service in the army, so injured in his arm as to be totally disabled in such arm, and though not in the class described in the general statutes as entitled to a pension of thirty dollars a year, is rendered helpless to a degree that justly entitles him to receive such pension; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to list V. W. Gibson for the pension of thirty dollars; provided, however, that before the auditor shall be authorized to place the name of said Gibson on such list, the said Gibson shall prove before the county court of Pittsylvania county, by competent and sufficient testimony, that he is suffering from a wound and disability equal to the loss of a leg or an arm with respect to incapacitating him from manual labor, and that such wound or disability was contracted and incurred by said Gibson in the military service of the state, and said Gibson shall produce to the auditor of public accounts the certificate of said court showing the proof and testimony aforesaid, and that said court is satisfied as to the truth and correctness of the same.

2. This act shall be in force from its passage.

CHAP. 822.—An ACT for the relief David F. Haley, of Pittsylvania county, a disabled Confederate soldier.

Approved March 4, 1896.

Whereas David F. Haley, a Confederate soldier and a resident of Pittsylvania county, was, by reason of services in the army, severely mangled while in trenches near Petersburg, which resulted in double

hernia and incapacitates him from performing manual labor: therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, directed to list said David F. Haley for the pension of thirty dollars: provided, however, that before the auditor shall be authorized to place the name of said Haley on such list the said Haley shall prove before the county court of Pittsylvania county, by competent and sufficient testimony, that he is suffering from a wound and disability equal to the loss of a leg or an arm with respect to incapacitating him from manual labor, and that such wound or disability was contracted and incurred by said Haley in the service of the state, and said Haley shall produce to the auditor of public accounts the certificate of said court showing the proof and testimony aforesaid, and that said court is satisfied as to the truth and correctness of the same.

2. This act shall be in force from its passage.

CHAP. 823.—An ACT to increase the pension of W. A. Trent, of Radford, Virginia.

Approved March 4, 1896.

Whereas W. A. Trent, of Radford, Virginia, who is now getting a pension of fifteen dollars per annum, when examined was pronounced disabled one half, since that time he has gone totally blind in his right eye, and his left wrist was shattered by a shell during the war and was only ligamentous union and he has no use of it, thereby rendering him helpless to do manual labor; and

Whereas the judge for the hustings court for the city of Radford having certified to the above facts; therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts is hereby directed to list said W. A. Trent for the pension of thirty dollars per year.

2. This act shall be in force from its passage.

CHAP. 824.—An ACT to impose a special license on dealers in cast-off clothing in Accomac and Northampton counties.

Approved March 4, 1896.

1. Be it enacted by the general assembly of Virginia, That nothing contained in the revenue laws of Virginia relative to merchants or merchants' license shall be henceforth deemed or construed to authorize any person or mercantile firm to engage in the business of a second-hand or cast-off clothing dealer in the counties of North-

ampton and Accomac without first having applied for and obtained, in the same manner as prescribed by the laws of this state for obtaining merchants' license, a special license as hereinafter provided, to be designated as second-hand or cast-off clothing dealers' license.

2. No person, merchant, or mercantile firm shall henceforth engage in the business of bartering, selling, exchanging, or otherwise dealing in second-hand or cast-off clothing in either of the counties of Accomac or Northampton without having first procured a special license therefor to be designated a second-hand or cast-off clothing dealers' license.

3. Every person, merchant, or mercantile firm or company engaged in the business of bartering, selling, exchanging, or otherwise dealing in second-hand or cast-off clothing, or who may hereafter engage in said business in said counties of Accomac and Northampton, shall pay for the privilege of transacting such business in either of said counties a license tax of twenty-five dollars per annum, to be assessed and collected in the mode prescribed by law, and no such license shall be issued for any period less than one year; nor shall there be any abatement in any instance of the tax upon such license by reason of the fact that the person or persons so licensed shall have exercised such license calling for a period of less than one year. Any person bartering, selling, exchanging, or otherwise dealing in second-hand or cast-off clothing in either of said counties contrary to the provision hereof, or who shall in any manner violate the same, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars for each offence.

4. All acts or parts of acts inconsistent with the provisions hereof are hereby repealed.

5. This act shall be in force from and after the first day of September, eighteen hundred and ninety-six.

CHAP. 825.—An ACT for the relief of Patrick Fox from certain fines and costs imposed by the county court of Alleghany county.

Approved March 4, 1896.

Whereas at the April term, eighteen hundred and eighty-five, of the county court of Alleghany county, Patrick Fox was fined in five several cases one hundred dollars and costs for selling liquor without license; and

Whereas said Fox is now blind, old, and in destitute circumstances, with a dependent family and with no means to pay said fine and costs; now, therefore,

1. Be it enacted by the general assembly of Virginia, That Patrick Fox be, and is hereby, relieved and discharged from the payment of the said five fines of one hundred dollars each imposed at April term, eighteen hundred and eighty-five of said court.

2. This act shall be in force from its passage.

CHAP. 826.—An ACT for the relief of the estate of William W. Larkin, deceased, from a forfeited recognizance.

Approved March 4, 1896.

Whereas William W. Larkin, deceased, late of the city of Lynchburg, became surety for one, Eugene Dawson, charged with felony in the county court of Alleghany county, in the penalty of five hundred dollars; and

Whereas default was made by the said Eugene Dawson and judgment was entered up against the said William W. Larkin; and

Whereas the said William W. Larkin did, at considerable expense, succeed in re-arresting the said Eugene Dawson to the proper authorities of Alleghany county; and

Whereas the said Eugene Dawson was tried and convicted by the county court of said county at its June term, eighteen hundred and ninety-four, and is now serving out his term in the penitentiary; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the estate of William W. Larkin, deceased, be, and the same is hereby, relieved and released from the said judgment in the county court of Alleghany county obtained by the commonwealth of Virginia against him as surety on the said recognizance for the sum of five hundred dollars entered into by him for the said Eugene Dawson, but this act shall not be construed as releasing said Eugene Dawson from the said forfeited recognizance. The estate of the said William W. Larkin, deceased, shall bear any costs incident to the relief herein granted.

2. This act shall be in force from its passage.

CHAP. 827.—An ACT to amend and re-enact section 2476 of the code of Virginia of 1887, as amended by an act entitled an act to amend sections 2475 and 2476 of the code of Virginia, with reference to liens for work done and material furnished by artisans, mechanics, lumber dealers and others, approved January 16, 1896, and to amend and re-enact section 2477 of the code of Virginia of 1887, as amended by an act entitled an act to amend section 2477 and 2479 of the code of Virginia in relation to the lien of mechanics, approved February 28, 1894.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section twenty-four hundred and seventy-six of the code of Virginia of eighteen hundred and eighty-seven, as amended by an act entitled an act to amend sections twenty-four hundred and seventy-five and twenty-four hundred and seventy-six of the code of Virginia, with reference to lien for work done and materials furnished by artisans, mechanics, lumber dealers and others, approved January sixteenth, eighteen hundred and ninety-six, and section twenty-four hundred and seventy-seven of the code of Virginia of eighteen hundred and eighty-

seven, as amended and re-enacted by an act entitled an act to amend sections twenty-four hundred and seventy-seven, and twenty-four hundred and seventy-nine of the code of Virginia, in relation to the lien of mechanics, approved February twenty-eighth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 2476. Perfection of lien by general contractor; mechanics lien record; notice of lien.—A general contractor, in order to perfect the lien given by the preceding section, shall at any time after the work done and the materials furnished by him, and before the expiration of sixty days from time such building, structure, or railroad is completed or the work thereon otherwise terminated, and from the time such labor is last performed or materials furnished for the construction of any building, structure, or railroad, file in the clerk's office of the county or corporation in which the building, structure, or railroad, or any part thereof is, or in the clerk's office of the chancery court of the city of Richmond if the said building, structure, or railroad is within the corporate limits of said city, an account showing the amount and character of the work done or materials furnished, the prices charged therefor, the payments made, if any, and the balance due, verified by the oaths of the claimant or his agent, with a statement attached declaring his intention to claim the benefit of said lien and giving a brief description of the property on which he claims the lien. It shall be the duty of the clerk in whose office such account and statement shall be filed, as hereinbefore provided, to record the same in a book to be kept by him for that purpose, called mechanics lien record, and to index the same in the name as well of the claimant of the lien as of the owner of the property, and from the time of such filing all persons shall be deemed to have notice thereof.

§ 2477. Perfection of lien by sub-contractor; extent of lien.—Any sub-contractor, in which term is included all contractors and laborers and mechanics and those furnishing materials, as provided in section two thousand four hundred and seventy-five of the code and acts amendatory thereof, other than general contractors, in order to perfect the lien given him by section twenty-four hundred and seventy-five shall comply with the preceding section, and in addition, give notice in writing to the owner of the property or his agent of the amount and character of his claim. But the amount for which a lien may be perfected under this section shall not exceed the amount in which the owner is indebted to the general contractor at the time the notice is given, or shall thereafter become indebted to said general contractor upon his contract with said general contractor for said structure or building or railroad.

2. This act shall be in force from its passage.

CHAP. 828.—An ACT to incorporate the Blue Ridge railroad company.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That William Smith, O. H. Dolph, Winfield Scott, J. W. Williams, J. B. Hawley, W. T. James, S. Scott and B. G. Howard, or such of them as may accept the provisions of this act, and such other persons and corporations as they may associate with them, and their successors and assigns, shall be, and they are hereby, constituted and ordained a body corporate and politic by the name of Blue Ridge railroad company; shall have all the powers, rights, privileges and franchises convenient or necessary to locate, construct, maintain, equip and operate a railroad, to be known as the Blue Ridge railroad company. It may be narrow or standard gauge, operated by steam or electricity, from some point on the Norfolk and Western railroad from the city of Roanoke to Radford, and such route as deemed suitable by the board of directors of said company through Roanoke, Montgomery, Floyd and Carroll counties, or either Roanoke or Montgomery counties, through Floyd county to Floyd; thence westward to Hillsville, in Carroll county; thence westward to Independence, Grayson county. The road may run along parallel across and upon state roads and turnpikes, if they deem it proper in said counties, by and with the consent of the county judge of the county or the board of supervisors of the county over the county roads in their county, by and with the consent of the land-owners, with such compensation as may be agreed upon between the land-owners and the railroad company, or such as may be fixed by law; and by the name of the Blue Ridge railroad company shall be known in law.

2. The said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or equity, and may make and have a common seal, alter or renew the same at pleasure, and shall have possession and enjoy all the rights and privileges of corporation or body politic in the land and all that is necessary for the purposes of this act.

3. Capital stock of said company shall not be less than five thousand dollars, and may from time to time be increased not exceeding one million dollars, divided into shares of one hundred dollars each, by issuing and sale of shares from time to time for such sums and terms, under such regulations as the board of directors of said company shall from time to time prescribe; and the directors may receive cash, labor, material, real or personal property, loans, work or other means available for its purpose in payment of subscription to capital stock, at such valuation as may be agreed upon between the directors and subscribers, and may make such subscriptions payable in such manner or amounts and at such times as may be agreed upon with directors and subscribers. It shall be lawful for said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may

deem expedient and proper in the prosecution of any of its works, and may secure the payment of said bonds by mortgages or deeds of trust upon all or any of its property, real and personal and mixed, its covenants, contracts and privileges, and its chartered rights and franchises, including its franchise to be a corporation, and it may as the business of the company may require, sell, lease, convey and encumber the same. The said company is authorized and empowered to locate, construct, equip and operate lateral or branch roads or tramways from any point on its line of railroad, not exceeding twenty miles in length, to any springs or ore banks, mines or other operations in said county or counties adjacent thereto, or to connect the said line with that of any other railroad now or hereafter to be constructed in or to any of said counties; and the said company may connect or unite its said road with that of any other company, or consolidate or merge its stock, property and franchises with those of any other company, operating or authorized to operate a connecting line of railroad, upon such terms as may be agreed upon between the company so uniting or connecting, merging or consolidating; and for that purpose authority is hereby given to it and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connection, merger or consolidation; provided that a copy of every such contract of consolidation and merger shall be filed in the office of the board of public works.

4. That any county, town or city along the line of said railroad, or any county, town or city adjacent to another county through which the line passes, or any county, town or city benefited by said railroad, may subscribe to the capital stock of said Blue Ridge railway company an amount not to exceed two hundred thousand dollars. Notwithstanding it will require more than one-fifth of the capital stock, and it will require an imposition of an annual tax in excess of twenty cents on the one hundred dollars, as provided in the code of eighteen hundred and eighty-seven, section twelve hundred and forty-three, the aforesaid section twelve hundred and forty-three of the code, as to the amount of capital stock subscribed and the limitation of annual tax of twenty cents on the one hundred dollars, shall not be applicable to any election held under this act, or bond issued for stock under this act. The principal of said bonds shall be payable by said county or town in a period not later than forty years from date of same, and the interest thereof shall be six per centum, shall be payable annually, and there shall be attached to the said bonds coupons for the interest aforesaid, which shall be receivable at the office of the treasurer of said county, city or town in payment of all county, city and town taxes and levies due said county, city or town by the bearer at and after maturity of the coupons respectively. The said corporation is hereby granted the authority and power to cross the railroad of any other corporation at grade or otherwise, not unnecessarily hindering or impeding the free operation of such railroad. The said corporation shall have the right and power to construct its railway upon and through any land in the state of Virginia along the route indicated in section one, and the right of way for said railway is hereby fixed, not exceeding fifty feet

on either side of the centre of the roadbed of said railway, together with the right of eminent domain, and take timber, stone, earth and material from any land adjoining said right of way, making compensation for the same.

5. The said company shall be required to commence the construction of said railroad within two years from the passage of this act and to complete the construction of its main line within five years after, otherwise the powers, privileges and franchises hereby granted shall be, ipso facto, void.

6. The persons first named in this act, or such of them as shall accept the provisions thereof, shall have the power and authority of a president and board of directors for the purpose of organization; open books and receive subscriptions to the capital stock; and by giving five days' notice to subscribers, the time and place of meeting to organize, shall proceed at the time and place to organize, and for all other purposes. They shall continue in office until their successors shall be elected and qualified. Each stockholder in the company shall, at all meetings or elections, be entitled to one vote for each share of registered stock in his name.

7. The board of directors of said company shall appoint one of their number president, and fill any vacancies that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever ten per centum of the capital stock shall have been subscribed, and the board of directors shall have elected a president, said company shall be considered legally organized, and may proceed to the transaction of the business.

8. No stockholder in said company shall be held liable or made responsible for its debts and liabilities in a larger or further sum than the amount of any unpaid balance due the said company for stock subscribed for by said stockholder.

9. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal administration offices of the company shall be located at some point within the state of Virginia.

10. The said company, by the acceptance of this charter, hereby agrees to pay all taxes, dues and demands due the state that may hereafter be lawfully assessed against it in lawful money of the United States, and not in coupons.

11. This act shall be in force from its passage.

CHAP. 829.—An ACT to eradicate the San Jose or pernicious scale, a disease affecting fruit-trees, and to prevent its spread.

Approved March 5, 1896.

Whereas the fruit industry in Virginia is threatened with serious and irreparable damage by a disease known as the San Jose or pernicious scale, now present in some parts of the state; therefore,

1. Be it enacted by the general assembly of Virginia, That the board of control of the state agricultural experiment station be, and is hereby, empowered and directed to take immediate action to suppress and eradicate this insect.

2. The said board is hereby authorized and required to designate a member of the scientific staff of the agricultural experiment station to act as an inspector under the provisions of this act, and it shall be the duty of the said board to promulgate at once rules and regulations in accordance with this act for the government of the said inspector in the duties devolving upon him in the execution of the provisions of this act; and the said board may further employ temporarily an assistant by the day for the purpose of executing the orders of the inspector in regard to the treatment of the infected plants.

3. The inspector shall have power under the regulations of the said board to determine whether any infested plants are worthy of remedial treatment or shall be destroyed; and he shall immediately report his findings in writing, giving reasons therefor, to the owner of the infested plants, his agents or tenants, and a copy of each such report shall also be submitted to the said board. In case of objection to the findings of the inspector, an appeal shall be to the said board, whose decision shall be final; an appeal must be taken within three days, and shall act as a stay of proceedings until it is heard and decided.

4. Upon the findings of the inspector in any case of infested plants, the treatment prescribed by him shall be executed at once (unless an appeal is taken), under his supervision; cost of material and labor shall be borne by the owner; provided, however, that in case the plants shall be condemned they shall be destroyed by the inspector, and the expense of such action shall be borne by the owner.

5. In case any person or persons refuse to execute the direction of the inspector or of the said board after an appeal, the county judge shall, upon complaint filed by the inspector or any freeholder, cite the person or persons to appear before him at the first regular session of the county court, and upon satisfactory evidence shall cause the prescribed treatment to be executed, and the expense thereof and costs of court shall be collected by warrant from the owner or owners of the infested plants.

6. It shall be unlawful to offer for sale, sell or transport plants, scions, trees, shrubs or vines known to be infested with the San Jose scale. Any person or persons violating this section shall upon conviction thereof be fined not less than fifty dollars nor more than one hundred dollars.

7. The said board of control of the agricultural experiment station, its agents or employees, are hereby empowered with authority to enter upon any premises and examine all plants whatsoever in discharge of the duties herein prescribed. Any person or persons who shall obstruct or hinder them or their agents in the discharge of these duties shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty nor more than fifty dollars.

8. The said board shall make an annual report to the governor of the state, giving in detail its operations and expenditures under this act.

9. This act shall be in force from its passage.

CHAP. 830.—An ACT to incorporate the American milk company.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That Charles Adamson, Daniel Baugh, Robert R. Corson, William H. Haines, Thomas Martindale, John C. Sims, and Joseph M. Wilson, or any five of them, their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate under the name and style of American milk company, and by that name shall be known in law, and shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or equity, and may make and have a common seal, and alter and renew the same at pleasure; and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies and necessary for the purposes of this act; and may make by-laws, rules and regulations consistent with the existing laws of the state of Virginia for the government of all under its authority, the management of its estates and properties, and the due and orderly conduct of its affairs.

2. The said company is authorized and empowered to buy and sell, preserve, store, transport, and distribute milk, cream, and all other dairy products; to acquire, own, hold, lease, sell, and dispose of all such land, buildings, plants, machinery, apparatus, cars, and other real and personal property as may be necessary or useful for conducting the business aforesaid, and all such patents and patent rights as may be necessary or useful for or applicable to the transaction of said business and the operation of the plants, machinery, apparatus, and processes employed therein; provided that the amount of land held by the company at any one time in any one city, town, or county shall not exceed one hundred acres.

3. The capital stock of said company shall not be less than one hundred thousand dollars, and may, with the consent of a majority of its stockholders, be increased from time to time to any additional amount not exceeding one million dollars, by the issue or sale of shares, the par value of which shall be one hundred dollars each; and of the entire capital stock of the company such part shall be preferred and such part common as the board or directors of the company shall from time to time determine; and the directors may receive real and personal property, contracts, patents, patent rights, services, or other things of value in full or part payment or exchange for such issue or sale of the capital stock.

4. The persons first named in this act shall organize the company,

constitute its first board of directors, and continue in office until the first meeting of the stockholders thereof. At such first meeting and at every annual meeting as many directors shall be elected as may be prescribed by the by-laws of the company; and the directors so elected may be removed by the stockholders in general meeting, but unless so removed they shall continue in office until their successors shall be elected and qualified. Each stockholder in the company shall at all meetings or elections be entitled to one vote for each share of stock registered in his name.

5. The directors shall choose one of their number president, and shall appoint a secretary; and may fill all vacancies that may occur in said board, unless by removal, in which case the same shall be filled by the stockholders in general meeting. Whenever the board of directors shall have elected a president and appointed a secretary, and the minimum amount of capital stock herein named shall have been subscribed, the company shall be considered legally organized, and may proceed to the transaction of business. The board shall appoint, to hold during its pleasure, the subordinate officers and agents of the company, prescribe their compensation, and take from them such bonds, with security, as they may deem fit.

6. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal office of the company shall be located in the city of Richmond, state of Virginia.

7. The annual meeting of the stockholders of the company shall be held at the principal office of the company at such time as the by-laws of the company may prescribe. A general meeting of the stockholders of the company may be held at any time in accordance with section eleven hundred and fourteen of the present code of Virginia.

8. The company shall issue certificates of stock in said company in shares of one hundred dollars each, signed by the president and countersigned by the secretary of said company. The said certificates shall be transferable only upon the books of the company by the stockholders, their personal representatives, or duly authorized agents or attorneys, and the said certificates, when so transferred as aforesaid, shall be returned to the said company and cancelled, and new certificates of stock shall be issued in lieu thereof to the persons entitled thereto for a like number of shares.

9. It shall be lawful for said company to borrow money and to issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper in the prosecution of its business, and the company may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property and franchises, including its franchise to be a corporation; and it shall be lawful for the company to subscribe for or acquire by purchase, exchange or otherwise the stock and bonds of any corporations or associations of this state or elsewhere.

10. No stockholder in the said company shall be held liable or made responsible for its debts and liabilities in a larger or further

sum than the amount of any unpaid balance due to the said corporation upon its stock.

11. All taxes and debts due or to become due to the state of Virginia by the company shall be paid in lawful money of the United States, and not in coupons.

12. This act shall be in force from its passage; but the general assembly of the state of Virginia reserves the right to amend or repeal this act at any time hereafter.

CHAP. 831.—An ACT to amend and re-enact independent section 11 of an act entitled "an act to amend and re-enact sections 2131, 2133, 2134, 2135, 2137, 2148, 2151, 2153, and to repeal sections 2141, 2142, 2143, 2144, 2145 and 2147 of chapter 97 of the code of Virginia, in relation to oysters, and to add independent sections thereto," approved February 25, 1892.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That independent section eleven of an act entitled "an act to amend and re-enact sections twenty-one hundred and thirty-one, twenty-one hundred and thirty-three, twenty-one hundred and thirty-four, twenty-one hundred and thirty-five, twenty-one hundred and thirty-seven, twenty-one hundred and forty-eight, twenty-one hundred and fifty-one, twenty-one hundred and fifty-three, and to repeal sections twenty-one hundred and forty-one, twenty-one hundred and forty-two, twenty-one hundred and forty-three, twenty-one hundred and forty-four, twenty-one hundred and forty-five and twenty-one hundred and forty-seven of chapter ninety-seven of the code of Virginia in relation to oysters, and to add independent sections thereto," approved February twenty-fifth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 11. All oysters taken from any natural rock, bed or shoal in the waters of this state, except on the eastern side of Accomac and Northampton counties, shall be culled upon their natural bed, rock or shoal as taken; and oysters whose shells measure less than two and a half inches in length, measuring from hinge to mouth, and all shells shall be included in said culling and replaced upon said rock, bed or shoal; provided that where small oysters are adhering so closely to the shell of the marketable oyster as to render its removal impossible without destroying the young oyster, then it shall not be necessary to remove it. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars; provided, however, that so much of this section as prohibits the taking and catching of oysters whose shells measure less than two and a half inches in length, measuring from hinge to mouth, shall not apply to James river above a line drawn from Day's

Point, in the county of Isle of Wight, to Deep creek in the county of Warwick.

2. All acts and parts of acts inconsistent herewith are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 832.—An ACT to repeal so much of an act approved April 2, 1879, as amended by an act approved February 16, 1880, in reference to school districts, as applies to certain districts.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That so much of an act entitled "An act to attach the school districts of Dan river, Tunstall, and North Danville, in Pittsylvania county, to the city of Danville, for the purposes of school supervision," approved April second, eighteen hundred and seventy-nine, as amended by an act approved February sixteenth, eighteen hundred and eighty, as applies to the school districts of Dan river and Tunstall, in Pittsylvania county, be, and the same is hereby, repealed.

2. This act shall be in force from the thirty-first day of July, eighteen hundred and ninety-six.

CHAP. 833.—An ACT for the relief of Mrs James T. Gallier, the widow of a Confederate soldier.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That the auditor of the public accounts be, and he is hereby, authorized to place the name of Mrs. James T. Gallier, of the county of Appomattox, on the pension list as entitled to thirty dollars pension per annum.

2. This act shall be in force from its passage.

CHAP. 834.—An ACT to amend and re-enact sections 2, 3, 4 and 5 of an act approved May 6, 1887, entitled “an act to incorporate the Portsmouth street railway company,” and to amend and re-enact sections 3 and 4 of an act approved May 21, 1887, entitled “an act to amend and re-enact sections 3 and 4 of act approved May 6, 1887, to incorporate the Portsmouth street railway company,” and to authorize the county courts of Norfolk, Nansemond and Isle of Wight counties to regulate the use of county roads by the said company in those counties.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That sections two, three, four and five of an act approved May sixth, eighteen hundred and eighty-seven, entitled “an act to incorporate the Portsmouth street railway company,” and sections three and four of an act approved May twenty-one, eighteen hundred and eighty-seven, entitled “an act to amend and re-enact sections three and four of an act approved May sixth, eighteen hundred and eighty-seven, to incorporate the Portsmouth street railway company,” be amended and re-enacted so as to read as follows:

§ 2. The said company shall have power and authority to locate, construct, equip, maintain and operate a street railway along and through the streets of Portsmouth, with the consent of the council of the said city; and may, if a majority of the stockholders of the said company shall so determine, locate, construct, equip, maintain and operate, along and through the streets of Portsmouth and along and through the county roads of the counties of Norfolk, Nansemond and Isle of Wight, or along and through such other lands (not exceeding eighty feet in width) as it may acquire, a branch of its said railway, by such route as its board of directors may determine, from Portsmouth to Smithfield, and any extensions and subordinate branches of the said railway and the said Smithfield branch, within the said city and the said counties, or any of them; provided that the use of streets in the said city of Portsmouth shall be only with the consent of the council of the said city, and the use of the county roads of any of the said counties shall be subject to such conditions, limitations and restrictions as may be imposed by the county court of the county whose road is used; and provided, further, that nothing herein contained shall affect in any way the right of individuals and corporations, who are owners of lands abutting on the said county roads, to have just compensation from the said company for such of their property as may be taken by the construction of the said company's lines along and through the said roads. The said company may contract with any such individuals or corporations for the right of way for constructing, equipping, maintaining and operating its lines of railway, including its tracks, poles, wires and other necessary or convenient structures, along and through the said county roads, and with the owners of other lands along and through which it may determine to construct, equip, maintain and operate its lines of railway, and may acquire, by purchase, gift or otherwise from the owners, land necessary for the erection, maintenance and operation of its power-houses and other buildings and structures, and for its yards.

And, if the said company and the said owners cannot agree on the terms of such contract or purchase, the right of way and other necessary lands may be acquired by the said company by condemnation according to the laws of Virginia relating to the acquisition of lands by internal improvement companies.

And power is hereby given to the county courts of the counties of Norfolk, Nansemond and Isle of Wight to make such conditions, limitations and restrictions as they may deem proper to regulate the use of county roads in their respective counties by the said company.

The said company is authorized and empowered to locate, construct, equip, maintain and operate all such power-houses and other buildings and structures, plants, machinery and equipment as may, in the opinion of its board of directors, be necessary for operating its lines of railway.

And the said company shall have perpetual succession, and have power to sue and be sued, plead and be impleaded, defend and be defended in all courts, whether in law or in equity, and may make and have a common seal and alter and renew the same at pleasure, and shall have, possess and enjoy all the rights and privileges of a corporation or body politic in the law and necessary for the purposes of this act.

§ 3. It shall be lawful for said company to transport passengers, freight and baggage over its lines of railway and to collect fare and tolls for the same; provided that there shall not be charged for a single passenger fare more than five cents for a single trip within the city of Portsmouth, without the consent of the council of the city of Portsmouth.

§ 4. The capital stock of the said company shall be not less than fifty thousand (50,000) dollars nor more than five hundred thousand (500,000) dollars, divided into shares of the par value of twenty-five (25) dollars each; and the said company may connect or unite its lines of railway with those of any other company or companies, or consolidate and merge its stock, property and franchises with and into those of any other company or companies of this state operating, or authorized to operate, a connecting line of railway, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating, or may acquire the said property and franchises of said other company or companies by lease or sale; and for that purpose power is hereby given to the said company and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connection, merger or consolidation, lease or sale; provided that a copy of every such contract of consolidation and merger shall be filed in the office of the board of public works. And the said company shall pay all taxes, dues and demands due the commonwealth in lawful money of the United States, and not in coupons.

§ 5. The said company may accept, in payment for subscriptions to or purchase of its capital stock, cash, labor, material, easements, rights of way, bonds, stock, real or personal property, at such valuation and at such prices as may be agreed upon between the directors and the subscribers to or purchasers of the stock; and may sell, lease

or otherwise dispose of the considerations other than cash so received; provided that the amount of land which the said company may acquire and hold in addition to its right of way shall not exceed, within the city of Portsmouth, five acres, or in the counties aforesaid fifty acres in each county.

2. This act shall be in force from its passage.

CHAP. 835.—An ACT to amend sections 1586 and 1592 of the code of Virginia, in relation to the Virginia agricultural and mechanical college.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That sections fifteen hundred and eighty-six and fifteen hundred and ninety-two of the code of Virginia, edition of eighteen hundred and eighty-seven, be amended and re-enacted so as to read as follows:

§ 1586. Payment of interest to the college and institute.—The general assembly having accepted the donation of lands proffered to Virginia by the act of congress of July second, eighteen hundred and sixty-two, with the conditions and provisions therein contained, and the authorities of the state having received from the government of the United States the land scrip she was entitled to under said act of congress, and the board of education having in conformity with the acts of February seventh, eighteen hundred and seventy-two, and March nineteenth, eighteen hundred and seventy-three, made sale of the scrip and invested the proceeds in the purchase of state bonds, which were directed to be set apart and to constitute an education fund, the annual interest whereof was to be apportioned as follows, that is to say, one-third thereof to the Hampton normal and agricultural institute, and two-thirds thereof to the Preston and Olin institute, on certain conditions in said act of March nineteenth, eighteen hundred and seventy-two, named, one of which was that the name of the said Preston and Olin institute should be changed to the Virginia agricultural and mechanical college, which has been done accordingly; and the general assembly having by act of February twenty-sixth, eighteen hundred and seventy-seven, directed the bonds aforesaid to be turned over to the second auditor, who was required, in lieu of the same, to substitute a statement prepared and signed in duplicate by the treasurer and countersigned by the second auditor, showing the number, size, and character of said bonds, with the amount of interest due on them severally, which statement was to have all the validity and force of the bonds themselves, and that the accruing interest should be paid in accordance with the acts already referred to, all of which has been done; all of said acts and the proceedings of the state officers thereunder are recognized as valid and binding. And it being deemed advisable to add to the name of the said college the words "and polytechnic institute," so that said college shall hereafter be known as the Virginia agricul-

tural and mechanical college and polytechnic institute, it is enacted that the annual accruing interest as aforesaid shall continue to be paid until otherwise provided by law, as follows, that is to say: One-third thereof to the Hampton normal and agricultural institute, in the county of Elizabeth City, and two-thirds to the board of visitors of the Virginia agricultural and mechanical college and polytechnic institute, in the county of Montgomery, on the conditions prescribed as aforesaid.

§ 1592. Board of visitors, a corporation and under control of general assembly.—The said board of visitors shall be and remain a corporation under the name and style of the board of visitors of the Virginia agricultural and mechanical college and polytechnic institute, and shall at all times be under the control of the general assembly. All acts and parts of acts relating to the Virginia agricultural and mechanical college, or to the board of visitors of the Virginia agricultural and mechanical college, shall be construed as relating to the Virginia agricultural and mechanical college and polytechnic institute or the board of visitors of the Virginia agricultural and mechanical college and polytechnic institute.

2. This act shall be in force from its passage.

CHAP. 836.—An ACT to amend and re-enact section 2109, code of Virginia, relating to penalty for unlawful fishing.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section two thousand one hundred and nine of the code of Virginia be amended and re-enacted so as to read as follows:

§ 2109. Penalty for violating the preceding section; possession of the fish evidence of guilt.—Any person violating any of the provisions of the preceding section shall, on conviction thereof, be fined for each offence twenty dollars and be imprisoned in jail until the fine is paid, but not exceeding thirty days, and forfeit all boats, nets, or other contrivances employed by him in such violation; provided that in case of a violation of the provisions of the first subdivision of said section in relation to mountain trout, the amount of the fine shall not be less than five dollars nor more than twenty dollars. In a prosecution of a person for a violation of any provision of the first, second, and third subdivisions of said section the possession by such person of any of the fish mentioned in said subdivision shall be prima facie evidence of his guilt.

2. This act shall be in force from its passage.

CHAP. 837—An ACT to amend and re-enact sections 1 and 2 of an act to incorporate the town of Dayton, Rockingham county, approved March 9, 1880, as amended by an act entitled an act to amend and re-enact an act to incorporate the town of Dayton, approved March 9, 1880, and all acts amendatory thereof, approved February 29, 1892, and to add an independent section empowering the town council of said town to negotiate a loan not to exceed five thousand dollars.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That sections one and two of an act entitled an act to incorporate the town of Dayton, Rockingham county, approved March ninth, eighteen hundred and eighty, as amended by an act entitled an act to amend and re-enact an act to incorporate the town of Dayton, approved March ninth, eighteen hundred and eighty, and all acts amendatory thereof, approved February twenty-ninth, eighteen hundred and ninety-two, be amended and re-enacted so as to read as follows:

§ 1. The municipal authorities of the town of Dayton, in the county of Rockingham, shall have power to extend the corporate limits of said town from the present exterior boundaries thereof to the following described boundaries: Beginning at the northwest corner of the Dayton cemetery; thence to the northwest corner of J. N. Fris' mill-dam; thence in a straight line to S. Burtner's corner at breast of dam; thence with a straight line to southwest corner of S. Burtner's barn; thence in a straight line to a large willow tree on the southeast side of the Chesapeake and Western railroad; thence in a straight line to the middle of the bridge over Cook's creek near J. M. Kagey's; thence in a straight line to a large oak tree in Alberta Coffman's yard; thence in a straight line, passing the corner of Mrs. Margaret Coffman's house, to a post in George W. Hedrick's line; thence with Hedrick's line to Sallie Coffman's line; thence in a straight line with Hedrick's and Bowman's lines to a corner on south side of public road; thence with the south side of said road, passing Bowman's barn, to the beginning, if sanctioned by a majority of the qualified voters residing within the limits of the part of said boundaries proposed to be included in said extension; and that the same as it has been heretofore and may hereafter be laid off into lots, streets and alleys, be, and the same is hereby, made a town corporate by the name of Dayton, and by that name shall have and exercise all the powers conferred by the _____ chapter of the code of Virginia, so far as the same be applicable to the government of towns of less than five thousand inhabitants, and not inconsistent with the provisions of this act.

§ 2. The government of said town shall be vested in a mayor and seven councilmen, who shall be residents of said town, to be chosen annually by ballot on the fourth Thursday in May of each year. Any person entitled to vote in Rockingham county, and residing within the corporate limits of said town of Dayton six months, shall be entitled to vote at all elections under said act of incorporation. The mayor shall appoint two members of the council, who, with the clerk of the council, shall hold said election between the hours of one in the

afternoon and sunset, and they shall decide any contest with reference to the right to vote of any individual, and shall count the ballots. In case it is impossible to decide the seven who has the highest number of votes, by reason of a tie, the said clerk shall decide in the presence of the two councilmen aforesaid, by lot. Said clerk shall immediately thereafter make out and deliver to each of the councilmen elected a certificate of his election.

2. The municipal authorities of the town of Dayton shall have the power to negotiate a loan of not more than five thousand dollars for the specific purpose of establishing a fire department and water-works and the laying of pavements and walks for the said town. They shall have power to execute bonds in the name of said corporation, and to levy a special tax, not to exceed ten cents on the hundred dollars of the assessed valuation of the property, personal and real, in said corporation, which shall be constituted a sinking fund for the payment of interest and redemption of said bonds. No bond shall be executed for a longer period than twenty-five years.

3. This act shall be in force from its passage.

CHAP. 838.—AN ACT for the relief of R. W. Read, a Confederate veteran, of Augusta county.

Approved March 5, 1896.

Whereas R. W. Read, of Augusta county, who was a member of company A, twenty-first regiment of Virginia infantry of the Confederate army, was badly wounded through the left foot on the twenty-fifth of March, eighteen hundred and sixty-five, in front of Petersburg, Virginia, which wound has entirely incapacitated him for manual labor, for which he is now a beneficiary of the pension act to the amount of thirty dollars; and

Whereas said R. W. Read was a gallant soldier from the very commencement of the late war up to the day he received the wound aforesaid, experiencing during that time constant and laborious service and great exposure, from the effect of which he has for years been suffering, until now he is entirely broken down and almost totally blind: therefore,

1. Be it enacted by the general assembly of Virginia, That if the said R. W. Read produces satisfactory evidence to the county court of Augusta county as to his condition as above stated, he is hereby authorized to apply for an increase of his said pension to fifty dollars per annum, which, if granted by said court, shall be certified to the auditor of public accounts.

2. This act shall be in force from its passage.

CHAP. 839.—An ACT for the relief of James A. Harvey, a maimed Confederate veteran.

Approved March 5, 1896.

Whereas at the commencement of the late civil war James A. Harvey, of the county of Augusta, and state of Virginia, entered the army of the Confederate States as a member of company E, fifth Virginia regiment (infantry), Stonewall brigade; and whereas during said war, the said Stonewall brigade having been driven from what was known as the "Horse Shoe" in the Confederate line of battle near Spotsylvania Courthouse, and having formed a new line of battle, was ordered to fortify and protect it; and whereas said brigade was, on the night of May twelfth, eighteen hundred and sixty-four, engaged in protecting and fortifying said line of battle by digging trenches, cutting timber, and so forth; and whereas said James A. Harvey, while on duty with a squad of men then engaged in fortifying said line of battle, was standing near a comrade, a member of his company, who accidentally struck said Harvey with an axe on the leg below the knee, cutting and fracturing the bones of said leg to such an extent that he has never recovered from the effects of said wound, but in consequence of it has been totally incapacitated and is not able to perform manual labor; and whereas since the close of said war said Harvey has been a citizen and resident of Virginia, but debarred from receiving the commutation money paid by the state to citizens of the state who were such during the war and were wounded and disabled; and whereas it is right and just that said Harvey should receive the same commutation money that is paid to other citizens of the state who were wounded and disabled during said war; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the auditor of public accounts be, and he is hereby, instructed and directed to enter the name of the said James A. Harvey on the pension roll to share in the provisions of the general law governing the subject of maimed and disabled soldiers, and pay to him the same commutation that is paid to other wounded or disabled soldiers coming under the provisions of the law; provided, however, that the facts hereinbefore set forth shall be proven before the county court of Augusta county, as in other pension cases, and certified by said court to the auditor of public accounts.

2. This act shall be in force from its passage.

CHAP. 840.—An ACT for the relief of E. B. Lee.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That E. B. Lee, upon whom was imposed a fine of one hundred dollars by the

county court of Prince Edward at its December term, eighteen hundred and ninety-five, be, and he is hereby, relieved of the same.

2. This act shall be in force from its passage.

CHAP. 841.—An ACT to amend an act to incorporate Shoemaker college, in Scott county, approved March 1, 1894.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to incorporate the Shoemaker college, in Scott county, approved March first, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

1. Be it enacted by the general assembly of Virginia, That James B. Richmond, John M. Johnson, Isaac P. Kane, A. P. Henderson and William M. Jennings, and their successors, who are hereby constituted a board of trustees, be, and they are hereby, incorporated and made a body politic by the name and style of the Shoemaker college, for the purpose of keeping and conducting a boarding and day school of the above name, and of giving instruction to such white persons, male or female, as may be committed to their care as pupils of said school, in all the various studies, courses and branches of education the said board of trustees may adopt, with power to make or prescribe such rules and regulations as from time to time may seem to them fit and proper, and to change and alter the same to enable them to conduct the daily and yearly exercises and to successfully govern and promote the objects and plans of said college.

2. The members of the board of trustees shall hold office during good behavior, but may be removed by the circuit court of Scott county for good cause, to be set forth in the order of removal. Upon the death or resignation of a member of the board of trustees the vacancy shall be filled by the circuit court of Scott county, or the judge thereof, by order entered in vacation, upon the recommendation of the board, in the following manner: Immediately after any vacancy shall occur the board of trustees shall meet and certify the fact to the said circuit court, or the judge thereof in vacation, and at the same time recommend the names of three persons suitable and fit to be appointed trustees, and the court or the judge shall from the three thus recommended, appoint a trustee to fill said vacancy. A majority of the board of trustees shall constitute a quorum for the transaction of business.

3. The board of trustees appointed hereunder shall within sixty days after the passage of this act, meet and elect one of their number president, and shall also select a secretary and treasurer, who need not be members of the board; the officers thus chosen shall continue in office during the pleasure of the board, and the treasurer

shall be required to execute bond with good and sufficient security in the penalty of at least double the sum which will be received by him during any one year, conditioned for the faithful performance of his duties. It shall be the duty of the board to examine and audit the accounts of the treasurer annually immediately after the close of the spring session and at such other time as to them may seem fit and proper.

4. The Shoemaker college shall have perpetual succession and a common seal, which it may alter or amend at its pleasure, and may, in its own corporate name, sue and be sued, implead and be impleaded, contract and be contracted with, purchase, hold and grant real or personal estate for its purposes, and may accept and hold any gift, bequest, or devise of real or personal estate or moneys which hereafter may have been or hereafter may be given, bequeathed, or devised to said college for the use and benefit of a college, to be erected at Estilville of this kind, and may erect on its own land all suitable and necessary college buildings; it may sue for and collect all sums subscribed in writing for the erection of a college building in said town, and receive transfers of and collect any and all subscriptions made for that purpose, whether made before or since its incorporation and whether made to individuals or to the corporation; it may also make regulations for the government of all persons and property under its authority, for the management of its estate and for the due and orderly conduct of its affairs; provided that it shall not at any time acquire or hold real or personal estate exceeding the value of two hundred thousand dollars.

5. The said college may have such public or other celebrations at such times and places and in such manner and form as it may deem proper, and may confer and bestow upon its pupils or graduates such diplomas or certificates or other evidence of graduation, distinction or proficiency as said pupils may acquire in their various studies or employments according to the regulations of said college and the determination of its teachers, instructors, trustees or other officers, which said diplomas or certificates shall bear the seal of said college and the signature of its principal, instructors and trustees, or any of them, as they may determine.

6. Appropriations of public free school funds may be made by the school districts of Scott county, or either of them, from time to time, and used for the payment of teachers in maintaining said academy; provided that no appropriation shall be made for this purpose by any school district until provision is made for teaching in said college all the branches now taught in the public free schools of said county, said branches to be taught free to any white child in Scott county entitled to attend the public free schools in any district thereof. The teachers in the public free school department of said college shall make reports in all respects as required of other teachers in the free schools, and be subject to the same visitation by the county superintendent of schools of Scott county.

7. The officers of said college shall consist of a principal and such assistants in the different departments as may be deemed requisite,

to be chosen in such manner and form as said corporators may prescribe.

And whereas James L. Shoemaker, of Estilville, Scott county, Virginia, by his last will and testament, among other things, in the first section of his said will, devised as follows: "I also set apart the sum of five thousand dollars out of the sale of my real estate for the purpose of erecting and building a college in Estilville, Virginia, to be paid by my executors hereinafter named, when the same shall have been collected, to some person or persons duly authorized to receive the same; provided I do not build the said college during my natural life;" and in the ninth section thereof, provided further—"Ninth. I will and direct that whatever funds I may have at the time of my death in the Exchange and deposit bank in Abingdon, Washington county, Virginia, either in bank stock or deposits, as well as such other funds as I may direct by my will to be placed there by my executors, shall remain and continue in the said bank as a permanent fund for the purpose of educating such young white men and white ladies as may be unable to educate themselves; provided that the interest, dividends and profits only which accrue on such funds shall be expended for the purposes aforesaid; and provided, further, that the said interest, dividends and profits aforesaid shall be expended only in payment of tuition and purchase of suitable textbooks and stationery for the young men and ladies aforesaid, and then only in a college to be erected on a certain lot or parcel of land dedicated by me for that purpose in the town of Estilville, Virginia;" and whereas in December, eighteen hundred and ninety-three, the said Shoemaker by a writing subscribed five thousand dollars to build a college or academy at Gate City Virginia; and whereas there is no college existing for the education of white young men and ladies in the said county, except the college which is by this act incorporated, Be it enacted that the state doth hereby receive and accept the said donation for literary and educational purposes, and in order to execute the same and enable the will of the testator to obtain, authorizes and empowers the trustees aforesaid to receive the said five thousand dollars and apply the same, together with any other sum given for that purpose, to the purpose of erecting the said college, which said college, when erected, shall receive and educate the white young men and ladies appointed by the trustees thereto, to the same extent and no further than said Shoemaker college would have been entitled to take and use the same under the said will had the amendments now made been expressed in the original charter of incorporation granted to said college, approved March first, eighteen hundred and ninety-four, charging therefor reasonable tuition. And the said college is authorized and empowered to buy and sell books and stationery to the young men and ladies aforesaid, appointed by the trustees of the said will of James L. Shoemaker and their successors in office; and the said trustees appointed by the testator and their successors shall be and continue a board of visitors to said college, and shall have the right to pass upon all questions concerning the beneficiaries appointed by them who are taught in said college by means arising from the fund dedicated by the said Shoemaker

for that purpose. And the said college may keep and maintain a boarding-house in connection therewith, and may receive, board, and instruct other pupils than the appointees by the trustees aforesaid, make such regulations as may be necessary for their admission and government while students or boarders thereof, as provided in the preceding sections, and determine all questions arising as between the said last-named students relating to their deportment, interest, and course of instruction as students thereof, such questions to be determined by the trustees of said college as aforesaid, or pursuant to regulations made by them therefor; and the said college shall have, under the visitations of county superintendent of schools, full control and direction of the free school department of the said college if such shall be organized in connection therewith.

8. This act shall be enforced from its passage.

CHAP. 842.—An ACT to amend and re-enact section 1 of an act entitled an act to prevent trapping and seining in New river and its tributaries, approved February 23, 1894.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section one of an act entitled an act to prevent trapping and seining in New river and its tributaries, approved February twenty-third, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to take any fish from New river and its tributaries by means of any trap or seines for a period of four years from the passage of this act; provided this act shall not apply to the waters of Floyd county or the waters of Little river, in the counties of Pulaski and Montgomery, or the waters of Carroll and Grayson counties.

2. This act shall be in force from its passage.

CHAP. 843.—An ACT to amend and re-enact an act entitled an act to appoint trustees for the Mattaponi tribe of Indians of King William county, and to prescribe their duties, approved March 8, 1894.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to appoint trustees for the Mattaponi tribe of Indians of King William county, and to prescribe their duties as such trustees, approved March eighth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That Doc-

tor B. Richards, R. C. Hill, senior, L. D. Robinson, J. S. Robinson and W. T. Neale be, and they are hereby, appointed trustees for the Mattaponi Indian tribe, in King William county, Virginia, formerly known as a branch of the Pamunkey Indian tribe. Said trustees shall be governed by the laws now in force in regard to Indians and their reservations in this state; and, further, shall have the right upon the vote of the majority of the trustees, and also a majority of the members of the tribe above twenty-one years of age, to expel from their reservation any person who has no right upon said reservation, or any member of the tribe who shall be guilty of any unlawful offence: provided that any person expelled from said reservation shall have the right of appeal to the county court of King William from the decision of the trustees and the members of the tribe.

2. This act shall be in force from its passage.

CHAP. 844.—An ACT to incorporate the Newport News female seminary.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That Mistress Montague W. Harwood, and such other persons as may be hereafter associated with her, be, and they are hereby, created and incorporated and made a body politic and corporate under the name and style of the Newport News female seminary, for the purpose of keeping and conducting a boarding school of the above name for girls, and of teaching and giving instruction to such girls or other persons as may be committed to their care as pupils of said school in the various studies and courses of instruction in ancient and modern languages, music, mathematics, the fine arts, and all or any matter or things usually prescribed in schools and colleges of the highest grade, with the right and privilege to make and prescribe such rules and regulations as from time to time may seem proper to them, and to change and alter the same to enable them to conduct the daily and yearly exercises and successfully to govern and generally promote and carry out the objects and plan of said seminary as a school for girls and other persons.

2. The said seminary shall have perpetual succession and a common seal, which it may alter or amend at its pleasure, and may in its corporate name sue and be sued, contract and be contracted with, purchase, hold and convey property, real and personal, and make regulations for the government of all persons and things under its authority, for the management of its estate, and the due and orderly conducting of its affairs: provided that the said seminary shall not at any time hold property exceeding in value the sum of seventy-five thousand dollars.

3. The seminary may have public and other celebrations at such times and places as to it may seem proper, and may prescribe the

number, course, and kind of studies to be pursued by its pupils to entitle the latter to certificates of distinction, or proficiency, or graduation, respectively, and may confer and bestow upon its pupils and graduates such diplomas and certificates or other evidence of graduation, distinction, or proficiency as said pupils may acquire in their various studies or employments, according to the regulations of said seminary and the determination of its teachers, instructors, or other officers, which said diplomas shall bear the seal of said seminary and the signatures of the instructors.

4. The officers of said seminary shall consist of a principal instructor and such assistants in the school or academic department and in the domestic department as may be deemed requisite, to be chosen in such manner as said corporation by its laws may prescribe.

5. The said corporation may make such rules, regulations, and by-laws as are not inconsistent with the laws of the state of Virginia and of the United States.

6. This act shall be in force from its passage.

CHAP. 845.—An ACT to amend and re-enact an act entitled an act to amend and re-enact section 4106 of the code of Virginia, touching the jurisdiction of police justices and justices of the peace as to the trial of offenders in certain cases, approved February 23, 1894.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section forty-one hundred and six of the code of Virginia of eighteen hundred and eighty-seven, as amended by an act of the general assembly of Virginia, approved February twenty-third, eighteen hundred and ninety-four, giving concurrent jurisdiction to justices for the trial of offenders, in certain cases, be amended and re-enacted so as to read as follows:

§ 4106. What criminal offences police justices and justices of the peace may try; discretion given them either to try or only to examine into the offence.—The several police justices and justices of the peace, in addition to the jurisdiction exercised by them as conservators of the peace, shall have exclusive original jurisdiction of all misdemeanor cases occurring within their jurisdiction, in all of which cases the punishment may be the same as the county and corporation courts are authorized to impose: provided that in any city in which there is a police justice the powers and jurisdiction conferred by this section shall not be exercised by any other justice of such city, except when acting for and in the stead of the police justice according to law. Each police justice and justice of the peace shall try, or procure some other justice to try, every misdemeanor case which is brought before him.

2. This act shall be in force from its passage.

CHAP. 846.—An ACT to amend and re-enact sections 3 and 6 of an act entitled an act to protect and advance agriculture by regulating the sale and purity of commercial fertilizers and the guarantee and conditions upon which they are to be sold, and fixing the penalties incurred for violations of the same, approved February 24, 1890, and to amend and re-enact section 8 of said act as amended and re-enacted by an act approved March 8, 1894, and to amend and re-enact section ten of said act as amended and re-enacted by an act approved March 8, 1894, and as amended and re-enacted by an act approved February 1, 1896.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That sections three and six of an act entitled an act to protect and advance agriculture by regulating the sale and purity of commercial fertilizers and the guarantee and conditions upon which they are to be sold and fixing the penalties incurred for violations of the same, approved February twenty-four, eighteen hundred and ninety, and section eight of said act as amended and re-enacted by an act approved March eight, eighteen hundred and ninety-four, and section ten of said act as amended and re-enacted by an act approved March eight, eighteen hundred and ninety-four, and as amended and re-enacted by an act approved February one, eighteen hundred and ninety-six, be amended and re-enacted so as to read as follows:

§ 3. Every person proposing to deal in commercial fertilizers shall, after filing the statement above provided for with the commissioner of agriculture, receive from the said commissioner of agriculture a certificate stating that he has complied with the foregoing section, which certificate shall be furnished by the commissioner without any charge therefor. The said certificate, when furnished, shall authorize the party receiving the same to manufacture for sale in this state or to sell in this state directly and through dealers or agents the brands named in said certificate. No person who has failed to pay the fee aforesaid, to file the statement aforesaid, and to receive the certificate of authority aforesaid, shall be authorized to manufacture or offer for sale in this state commercial fertilizers; and any person so manufacturing for sale in this state or so dealing or selling without having paid the aforesaid fee, filed the aforesaid statement, and received the certificate aforesaid (except dealers and agents selling or offering for sale fertilizers on which the fee has been paid by and certificate issued to the manufacturer as provided in sections two and three of this act), shall be liable for each violation to a fine not exceeding one thousand dollars.

§ 6. Every person who sells a lot or package of commercial fertilizer, or chemical or ingredient for manufacturing the same, upon the request of the purchaser shall draw from the same at the time of its delivery to the purchaser, and in the presence of the purchaser or agent, or, if the seller is not present when a lot or package of commercial fertilizer, or chemical or ingredient for manufacturing the same, is delivered to the purchaser, then any duly qualified justice of the county or corporation, who shall be paid by the purchaser twenty-five cents for such service, shall, in the presence of the purchaser, draw from the same, a fair

and correct sample, and in the presence of both seller and buyer, or justice and buyer, as the case may be, the sample thus drawn shall then be put in a glass or tin vessel and securely sealed, and there shall then be placed on said vessel a label, and on said label shall be inscribed a certificate, signed by both parties, setting forth that the enclosed sample is a fair and correct sample; the name of the manufacturer, name of the fertilizer from which sample was drawn, and time and place when it was drawn; and the vessel shall then be packed and forwarded to the commissioner of agriculture, and the commissioner of agriculture, on the analysis of said sample, shall forward one copy to the seller and one copy to the purchaser of said fertilizer.

§ 8. The board of agriculture shall adopt all needful rules and regulations providing for the collection of the money arising from the fees aforesaid or from fines imposed under this act, and shall require the same to be deposited with the treasurer of the state, and only to be drawn therefrom upon warrants issued by the auditor of the state, out of which shall be paid only the expense of carrying out the provisions of this act, *including a commission of three per centum to the commissioner of agriculture for collecting and disbursing the said fees and fines*, which sum for all purposes shall not exceed the sum of *three thousand dollars in one year*.

§ 10. The term "commercial fertilizer" or fertilizers, where the same are used in this act, shall not be held to include lime, land plaster, ashes, or common salt, or tobacco stems, ground and underground, or any chemicals or ingredients used in manufacturing fertilizers intended for sale. All fertilizers sold or offered for sale in violation of this act shall be seized by the commissioner of agriculture or his agents, and shall be delivered to the officer of the court having jurisdiction of the offence, and said fertilizers shall be subject to the disposition made of the same by said court. All moneys arising from seizures of fertilizers shall be for the use and benefit of the board of agriculture. *All violations of the provisions of this act shall be punished as violations of and by a prosecution under the revenue law of this state.*

2. This act shall be in force from its passage.

CHAP. 847.—An ACT to amend chapter 192, acts 1893-'94, entitled an act for the protection of certain game in Roanoke county.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That chapter one hundred and ninety-two, acts of eighteen hundred and ninety-three and eighteen hundred and ninety-four, entitled an act for the protection of certain game in the county of Roanoke, approved February ninth, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the general assembly of Virginia, That it shall be unlawful for any person to kill or capture in any way, or offer for sale in Roanoke county at any time prior to the fifteenth day of October, eighteen hundred and ninety-seven, any wild turkey or ruffed grouse (or pheasants) between the first day of February and the first day of November of each year, or at any time in said county to take or destroy the eggs of wild turkeys and ruffed grouse (or pheasants), or to catch them with net or trap. It shall also be unlawful to kill or capture deer, or to chase them with dogs with intent to kill the same, in said county between the first day of January and the first day of November in each year.

§ 2. If any person violate any of the provisions of the preceding section he shall be deemed guilty of a misdemeanor, and upon conviction thereof before a justice of the peace or court on an information may be fined not exceeding twenty dollars, but no *capias* pro fines shall be issued on any judgment or verdict until and after the expiration of thirty days. In any prosecution of a person for the violation of the preceding section proof of the possession by such person of any such ruffed grouse (or pheasants), wild turkey or deer shall be *prima facie* evidence of guilt. In any case arising under the provisions of this act any number of persons jointly engaged in any violation of any of the provisions of this act may and shall be tried jointly and be construed as one case.

§ 3. All acts and parts of acts in conflict with this act are hereby repealed.

2. This act shall be in force from its passage.

CHAP. 848.—An ACT to amend and re-enact an act approved February 28, 1890, entitled an act to amend and re-enact an act approved February 3, 1888, entitled an act to amend and re-enact section 8 of chapter 61 of the code of Virginia, as amended by an act approved March 9, 1890, as amended by an act approved March 30, 1887, as amended by an act approved May 21, 1887, to amend and re-enact section 12 of said chapter 61 of the code of 1873, which is section 1196 of the code of Virginia in relation to turnpike companies.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section eight of chapter sixty-one of the code of Virginia of eighteen hundred and seventy-three, as amended by an act approved March ninth, eighteen hundred and eighty, as amended by an act approved March thirtieth, eighteen hundred and eighty-seven, as amended by an act approved May twenty-first, eighteen hundred and eighty-seven, and said section eight and section twelve of said chapter sixty-one, in relation to turnpike companies, as amended by an act approved February third, eighteen hundred and eighty-eight, as amended by an act approved February twenty-eighth, eighteen hundred and ninety, be amended and re-enacted so as that said sections eight and twelve shall read as follows:

§ 8. Any person or persons alleging that a turnpike road or any section thereof is out of repair may apply by petition in writing to the court of any county, or the judge thereof in vacation, in which said road may lie, for a summons to three freeholders not living on said road to meet on said section at a day specified and examine the same, five days' notice of such application to be given to the president or one of the directors of said road, or, if it be a state road, to the superintendent thereof, and the said court shall forthwith appoint such viewers of said road, if upon the hearing of said petition the same shall appear reasonable and proper; and it shall be the duty of the judge of the county court of any county in which there may be a turnpike road upon which tolls are charged, three times a year, to-wit, at the April, August and December terms of his court, to appoint three such viewers for each of such turnpike roads in his county, who shall, at a time to be specified in the order, examine the same and be paid by the company or the county, as provided in section eleven of this chapter, and all proceedings under said order of the court shall be as provided by sections nine, ten, eleven and twelve of this chapter, except that in case of any turnpike road owned by the state the report of the viewers, if against the road, shall be to the board of public works and the facts certified to the court and the cost to be paid as the court may direct, and except that on such last mentioned report and on any report made by viewers under this section, if made against the turnpike company, of which the turnpike company shall be forthwith notified by the clerk of the court or of the board of public works, as the case may be, the said company may appeal to said county court, and said court may, on such appeal, confirm, set aside or recommit said report for further proceedings, as it may deem advisable; provided that the provisions of this act shall not apply to the Staunton and Parkersburg turnpike road nor to any turnpike road in the counties of Clarke or Frederick.

§ 12. All tolls upon any section so pronounced not to be in good repair shall be suspended from the time of the filing of the reports of the viewers in the clerk's office until the said section shall be put in good repair and ascertaining so to be as follows: On the application of the president or one of the directors of the company, a justice shall issue his warrants for summoning the same freeholders, or in case of a vacancy or vacancies enough other disinterested freeholders to fill such vacancy or vacancies, to be named in the warrants, to meet on the said section at a certain specified time, which shall be as soon as convenient, and ascertain whether the said section is in good repair or not; and the proceedings upon such warrants shall be the same as are prescribed in the preceding sections; the officers' fees shall be paid by the company. But nothing contained in the preceding five sections shall be construed to refer to any turnpike placed under the exclusive control of the board of public works by the general assembly.

2. This act shall be in force from its passage.

CHAP. 849.—An ACT to incorporate the Virginia transit company and to authorize it to engage in mining, manufacturing, and storage.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That W. C. Andrews, G. C. Saint John, W. F. Weiss, T. W. Hyslop, C. C. Upham, of New York, R. W. Moore, L. C. Barley, Thomas Cockrell, Henry Fairfax and such other persons as may be associated with them, be, and hereby are, constituted a body politic and corporate under the name and style of the Virginia transit company, and as such may sue and be sued, plead and be impleaded, and have perpetual succession and a common seal.

2. The principal business of the said corporation shall be to build and operate a pipe line for the transportation of oil, coal and other products, and to operate the same as common carriers, and for the purpose of location and use and enjoyment thereof it shall have all the rights and be subject to all the limitations provided and prescribed under the general law for works of internal improvement. In order to facilitate its enterprise it may construct wharves, docks, warehouses and elevators; it may build ships, barges and tow-boats, and engage in a general forwarding, storage and tonnage business; it may mine coal and other minerals, and establish and operate stamp mills and refining and reduction works.

3. The location of the said pipe lines shall be from the city of Alexandria, or some other point or points upon the Potomac river, to such point as may be selected upon the Maryland or West Virginia state lines north of the county of Alleghany, and it may build branch lines to any of its lands or works.

4. It shall be lawful for the city of Alexandria, or for any county or city through which the said lines or branches may run, to aid the construction of the same by granting the right to lay the same along any public road or alley or through any public grounds, but upon such conditions as shall protect the said roads or lands and the abutting property from injury, and provided it shall obtain permission from or pay a just compensation to abutting land-owners.

5. The principal office of the said company shall be in the city of Alexandria, and it may establish other offices at the city of Washington or such other place as the stockholders may direct.

6. The capital stock of the said corporation shall not be less than one hundred thousand dollars nor more than one million dollars, and to secure the same books of subscription may be opened by the incorporators, who are hereby appointed commissioners for that purpose, or any three of them, and when the minimum of the capital stock shall be subscribed the subscribers may proceed to organize by the election of a board of not less than five nor more than eleven directors, who from their own number shall elect a president and vice-president, and may appoint such other officers as shall be deemed necessary for the management of its affairs, and the company so organized shall thereupon acquire all the powers and privileges con-

ferred upon the persons named as corporators in the first section of this act.

7. The said company may hold real estate not exceeding ten thousand acres in any one tract, nor more than sixty thousand acres in the aggregate. It may borrow money to aid in the construction of its works or the prosecution of its business, and to secure payment of the same may execute mortgages or deeds of trust upon its property and franchises, but in any such mortgages or deeds of trust at least one trustee shall reside in the state of Virginia.

8. Work under this charter shall be begun in one year, and it shall be open for transportation within three years after the passage of this act.

9. The said corporation shall pay taxes in lawful money of the United States, and not in coupons.

10. This act shall be in force from its passage.

CHAP. 850.—An ACT to amend and re-enact sections 70 and 71 of an act approved March 6, 1890, entitled an act to provide for the assessment of taxes on persons, property, and incomes, and on licenses to transact business, and imposing taxes thereon for the support of the government and public schools and to pay the interest on the public debt, and prescribing the mode of obtaining licenses, &c., so as to exempt from the license tax boarding-house keepers who keep boarders for a period not exceeding two months.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That sections seventy and seventy-one of an act entitled an act to provide for the assessment of taxes on persons, property, and incomes, and on licenses to transact business, and imposing taxes thereon for the support of the government and public free schools and to pay the interest on the public debt, and prescribing the mode of obtaining licenses to sell wine, ardent spirits, malt liquors, or any mixture thereof, in cases where a court certificate is required, approved March sixth, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

§ 70. Any person who shall furnish for compensation board or lodging, or both, to any number of persons not exceeding five for a period as long as one week, shall, if he be not the keeper of an ordinary or house of private entertainment, according to the provisions of chapter one of this act, except boarding-houses, be deemed to keep a boarding-house. The amount to be paid for the privilege of keeping such house shall be a specific sum, and if any tax is imposed upon the annual rent or value of the house, such rent or value shall be ascertained in the same manner as the rent or annual value of an ordinary is required to be ascertained. Any person who shall keep a boarding-house without a license shall pay a fine of not less than five dollars nor more than twenty dollars for each day he may keep the same; provided that this section shall not be construed as in-

cluding persons who take not more than ten adult boarders for a period not exceeding two months.

§ 71. Every person to engage in the business of keeping a boarding-house shall pay five dollars and an additional sum of one per centum on the annual rent over one hundred dollars, to be ascertained as provided in section ten of chapter two of this act; provided that persons who take not more than ten adult boarders for a period not exceeding two months shall be exempt from the tax required by this section.

2. This act shall be in force from its passage.

CHAP. 851.—An ACT to amend and re-enact an act approved March 22, 1871, to incorporate the town of Blacksburg, Virginia, and to provide a new charter for same.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That the town of Blacksburg, in the county of Montgomery, be, and the same is hereby, made a town corporate under the laws of Virginia as is now or may hereafter be laid off into streets, blocks and alleys within the following boundaries: Beginning at a stake in a line dividing the lands of W. H. Palmer and Edward Black (standing north eighty-eight degrees, east three hundred and ten and three-tenths feet from the northeast corner of a stone spring-house of said Palmer); thence north four degrees and ten seconds, east twelve hundred and fifty-six and four-tenths feet, to the stake in line of Edward Black (where line dividing lands of A. W. Luster and P. H. Marrow intersects with said Blackford line); thence north seventy-five degrees and twenty seconds, west three hundred and sixty-five and six-tenths feet, crossing the Blacksburg and Fincastle road at four hundred and ninety-five feet and the Blacksburg and Newport road at thirty-six hundred feet, to a stake on the lands of Jacob Keister; thence north sixty-one degrees to a stake on said Keister's land; thence south twenty-nine degrees and ten minutes, west ten hundred and thirty-seven and seven-tenths feet, to a stake on the northeast side of Blacksburg on the land of H. D. Wade; thence south seventeen degrees and forty minutes, west eight hundred and sixty-six feet, to a stake on N. R. Staenger's land; thence south sixty-seven degrees and ten seconds, west six hundred and seventy-one and three-tenths feet, to a stake and street and street dividing land of N. R. Staenger and Virginia A. A. and M. C.; thence with said street forty-nine degrees, east ten hundred and seven feet, to a stake on southwest side of Pepper's ferry road; thence south sixty-two degrees and thirty minutes, west one hundred and forty-four feet with line of said college, to a stake on southwest side of Pepper's ferry road; thence south fifty-five degrees and two minutes, west six hundred and eighty-six feet, to a stake on land of R. W. Camper; thence north forty-six degrees and seventeen minutes east

to a stone planted on the south side of Giles road; thence south forty degrees, east six hundred and twenty-eight feet, to a stone south fifty-two degrees and twenty minutes, west twelve hundred and seventeen and five-tenths feet, to centre of College avenue; thence south twenty-six degrees and fifty-seven minutes, east nineteen hundred and ninety-four feet, to stake of Doctor P. Black; thence north eighty-eight degrees and forty minutes, east eight hundred and sixty-eight feet, to a stake on land of C. H. Miller; thence north thirty-eight degrees and forty minutes, east twenty-four hundred and eighteen and four-tenths feet, to beginning—the same shall be, and is hereby, made a town corporate in the name aforesaid, and by that name shall have perpetual succession and the powers conferred upon towns of less than five thousand inhabitants by the general laws of the state of Virginia, and shall be subject to all the provisions and limitations that may now and may hereafter apply to such towns so far as the same is not inconsistent with this act.

2. The said town shall have the power to tax all institutions and business that the state of Virginia now taxes, but the said taxes shall not exceed one-half the tax imposed by the said state of Virginia. Said town shall have power to provide for the maintenance of streets, alleys, and other necessary causeways, may restrict the use thereof and determine the use of the same. Said town shall have power to lay such levies upon the property owners within the boundaries thereof, to pave, macadamize, or otherwise improve the said streets, and may charge a reasonable amount for such improvement to the abutting land owners. It shall have power to provide for the health of its citizens; and may establish quarantines and any necessary buildings for that purpose, but the same shall comply with the general laws of Virginia under this subject.

3. Before the said town shall charge for improving streets or any other improvement against property owners the said town shall give five days' notice to the said owner to appear before the mayor of said town to show cause, if any he can, why such assessments should not be made against him.

4. Be it further enacted, That the said town may at any time submit to the qualified voters thereof, a proposition to borrow money and execute corporate bonds of said town therefor, for a sum not exceeding ten per centum of the assessed value of real estate of said town. But when such vote shall have been so taken and the majority of the votes cast in such election shall favor the same, the mayor and clerk of said town shall issue the bonds of said town, signed by said mayor and the clerk, payable at such times as may be ordered by said election at a rate of interest not to exceed six per centum.

5. The said town must provide, by sinking fund or otherwise, a proportion of the annual income of said town which will pay off and discharge any money borrowed under preceding sections.

6. The government of said town shall be vested in a mayor, six councilmen, and one town sergeant, who shall be elected on the fourth Thursday in May, eighteen hundred and ninety-six, and every two years thereafter. The town council may, by a two-thirds vote,

impeach the mayor for gross neglect of duties or willful violation of any statute of Virginia or ordinance of said town.

7. Be it further enacted, That E. D. Bodell shall be mayor of said town; C. E. Boykin, T. J. Camper, E. W. Camper, R. P. Staenger and George W. Matear shall constitute the council of said town until the fourth Thursday in May, eighteen hundred and ninety-six, or until other officers are duly elected and qualified.

8. H. S. Keffer shall be the sergeant of said town until the fourth Thursday in May, or until his successor is duly elected and qualified.

9. The said town, in addition to the powers here conferred, shall have all the powers and privileges vested in like towns under the laws now in force in this state or may hereafter be passed by the legislature of this state, and the legislature reserves all restrictions heretofore passed in regard to such towns.

10. So much of the foregoing act as is in conflict with this act is hereby repealed.

11. This act shall be in force from its passage.

CHAP. 852.—AN ACT to amend section 31 of an act approved February 29, 1896, to provide for opening and working of roads and keeping the same in repair, and to provide for erecting and maintaining bridges in the county of Culpeper.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-one of an act approved February twenty-ninth, eighteen hundred and ninety-six, to provide for opening and working of roads and keeping the same in repair, and to provide for erecting and maintaining bridges in the county of Culpeper, be amended and re-enacted so as to read as follows:

2. All acts heretofore passed by the general assembly of Virginia in reference to the county roads of Culpeper county are hereby repealed, except an act approved February nineteenth, eighteen hundred and ninety-six, in reference to working roads in Stevensburg magisterial district of said county, and in such other districts as may adopt the same.

3. This act shall be in force from its passage.

CHAP. 853.—AN ACT to protect pheasants and jack rabbits in the counties of Lancaster, Northumberland, Richmond, Westmoreland and King George.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That it shall be unlawful to kill or capture, sell or offer for sale or buy any pheas-

ants or jack rabbits in the counties of Lancaster, Northumberland, Richmond, Westmoreland and King George between the first day of May, eighteen hundred and ninety-six, and the first day of October, eighteen hundred and ninety-eight.

2. It shall be unlawful to catch pheasants or jack rabbits with nets or traps or to take the eggs of any pheasants in said counties.

3. The possession, except for purposes of breeding, of any pheasants or jack rabbits, whether dead or alive, by any person shall be prima facie evidence that such person has violated this law.

4. Any person convicted of violating any section of this law shall be fined not less than twenty dollars, and ten dollars shall be taxed as part of the costs, five of which shall be paid to the Northern Neck game association to defray its costs of prosecution, and five of which shall be paid to the informer.

5. This act shall be in force from the first of May, eighteen hundred and ninety-six.

CHAP. 854.—An ACT for the relief of A. V. K. Deekins, a student at the university of Maryland, allowing him to receive a temporary certificate to practice dentistry.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That the laws now in force relating to the practice of dentistry shall not apply to A. V. K. Deekins, who is now attending and studying dentistry at the university of Maryland, in Baltimore, Maryland, as to granting a temporary certificate under said act; but the president of the board of dental examiners is directed to grant a temporary certificate to the above named Deekins from the fifteenth day of March to the fifteenth day of October, eighteen hundred and ninety-six.

2. This act shall be in force from its passage.

CHAP. 855.—An ACT declaring a certain portion of ground in York river a natural oyster rock.

Approved March 5, 1896.

Whereas when the geodetic survey of natural rock in York river was made under the act of general assembly approved February twenty-ninth, eighteen hundred and ninety-two, through inadvertence a natural rock oyster was omitted to be surveyed, which natural oyster rock is between public ground number thirty and public ground number thirty-one, running from figure twenty-one to figure six on the out-shore lines, and from figure twenty to figure five on the in-shore lines, as designated on plot filed in clerk's office of Gloucester

and York counties, showing public oyster-grounds in Gloucester and York counties; and

Whereas the above described natural oyster rock should be embraced in the geodetic survey; now, therefore,

1. Be it enacted by the general assembly of Virginia, That the natural oyster rock in York river between public ground number thirty and public ground number thirty-one, running from figure twenty-one to figure six on the out-shore lines and from figure twenty to figure five on the in-shore lines, as designated on plot filed in the clerk's offices of Gloucester and York counties, showing Gloucester and York counties public oyster-grounds, state of Virginia, eighteen hundred and ninety-four, be, and the same is hereby, declared to be a natural oyster rock and to be held and regulated as all other natural oyster rocks which are embraced in the geodetic survey. All laws pertaining to the natural oyster rocks in the geodetic survey shall be applicable to this natural oyster rock, which is made so by this act.

2. This act shall be in force from its passage.

CHAP. 856.—An ACT to amend and re-enact section 3969 of the code of Virginia, with reference to when a justice to discharge an accused person who is before him for examination, and what to do when there is sufficient cause to charge him.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-nine hundred and sixty-nine of the code of Virginia be amended and re-enacted so as to read as follows:

§ 3969. When the justice to discharge a person accused who is before him for examination; what to do when there is sufficient cause to charge him with the offence.—The justice shall discharge the accused if he consider that there is not sufficient cause for charging him with the offence; if he consider that there is sufficient cause to charge the accused with a misdemeanor only, then he shall try the accused for said offence and convict him, if he deem him guilty, and pass judgment upon him in accordance with the provisions of section forty-one hundred and six of the code just as if the accused had first been brought before him on a warrant charging him with said misdemeanor; if he consider that there is just and sufficient cause for charging the accused with a felony, then he shall commit him to jail or let him to bail under section thirty-nine hundred and sixty. He shall require recognizance, with or without sureties, as he deems proper, from all material witnesses against the accused, and also for the accused if he desires it.

2. All parts of acts inconsistent with this act are hereby repealed.

3. This act shall be in force from its passage.

CHAP. 857.—An ACT to amend the charter of the Roanoke mineral belt line railroad company, acts of 1893-'94, chapter 189.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That sections two and eight of chapter one hundred and eighty-nine of the acts of eighteen hundred and ninety-three and ninety-four be amended and re-enacted so as to read as follows:

§ 2. The said company is authorized and empowered to locate, construct, build, equip, maintain and operate a railroad and telegraph line from a point within the city of Roanoke, Virginia, in a southerly direction, passing through the counties of Roanoke, Bedford, Franklin and Pittsylvania, extending to the Richmond and Danville railroad at a point between Rocky Mount and Franklin junction, to be selected by said company, with the privilege to said company of continuing its line across said Richmond and Danville railroad through Pittsylvania county to the city of Danville, Virginia, and on to the state line of North Carolina; and from a point within the city of Roanoke, Virginia, in a northerly direction, passing through the counties of Roanoke, Craig and Alleghany, to the state line of West Virginia, along such route as may be selected by said company, with such number of tracks as it may deem necessary and of standard gauge; and for that purpose it shall have the right to acquire a continuous strip of land one hundred feet in width upon which to construct its road, with such additional land for depots, station-houses, water-tanks, freight yards, repair or machine shops as it may desire, not to exceed forty acres in any one parcel. In order to secure a continuous line of railroad from Roanoke to said point on the Richmond and Danville railroad, and thence to Danville and to the state line of North Carolina, and from Roanoke to the state line of West Virginia, to be operated under one management, the said Roanoke mineral belt line railroad company may acquire by purchase the rights, powers, privileges, franchises and properties of other chartered railroad companies, or which may hereafter be chartered by this state, by exchanging its stock and other securities for the stock and securities of said other companies, or it may merge and consolidate with any of said railroad companies. The rights, powers, privileges, franchises and properties hereby conferred upon or which may be hereafter acquired by the Roanoke mineral belt line railroad company, on such terms as may be agreed upon between the contracting parties, acting through their respective boards of directors, subject, however, to the approval of the majority of the stockholders of each company; and the said railroad, or its successor, may adopt another name for the company which may be formed by the consolidation of the rights, powers, privileges, franchises, and properties of the said company, or any of them, plenary power and authority being hereby given to such other company or companies to make and carry out the consolidation and merger; provided that the consolidated company shall be liable for

all debts and liabilities of each and every of the said companies, and that all the rights, powers, privileges, and franchises which each and every of the said railroad companies are possessed of at the date of consolidation shall be, and are hereby, conferred upon and granted to the said consolidated company to the same extent as if each and every of said powers, rights, privileges, and franchises were herein recited; and provided, further, that should the said company or its successor ever consolidate its rights, powers, privileges, franchises, or properties with those of a foreign corporation, the consolidated company shall always remain a Virginia corporation in the operation and management of its properties in this state and as to the rights of suing and being sued.

§ 8. Said railroad company or its successors shall begin the construction of its railroad within two years after the first day of July, eighteen hundred and ninety-six, and complete the main line of the same within five years from the first day of July, eighteen hundred ninety-six.

2. This act shall be in force from its passage.

CHAP. 858.—An ACT to amend and re-enact section 3725 of the code of Virginia of 1837, as amended by an act entitled an act to amend and re-enact section 3725 of the code of Virginia, as to obstructing or injuring canals, &c., how punished, approved March 3d, 1894.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section thirty-seven hundred and twenty-five of the code of Virginia of eighteen hundred and eighty-seven, as amended by an act entitled an act to amend and re-enact section thirty-seven hundred and twenty-five of the code of Virginia, as to obstructing or injuring canals, and so forth, how punished, approved March third, eighteen hundred and ninety-four, be amended and re-enacted so as to read as follows:

§ 3725. Obstructing or injuring canals, railroads, and so forth, how punished.—If any person maliciously obstruct, remove or injure any part of a canal or railroad, or any bridge or fixture thereof, or maliciously obstruct or injure any machinery, engine, car or work thereof, whereby the life of any traveller or other person on such canal or railroad is put in peril, he shall be confined in the penitentiary not less than two nor more than ten years; and in the event of the death of any traveller or other person resulting from such malicious obstructing, removing or injuring the person so offending, shall be deemed guilty of murder, the degree to be determined by the jury, or if any person unlawfully, but not maliciously, shoot at or into, or throw any stone or other missile at or into any passenger train or car on any railroad, or any part thereof, whereby the life of any traveller or other person on such train or cars may be put in peril, upon conviction thereof he shall be punished by confine-

ment in the penitentiary not less than one nor more than three years, or in the county or city jail not less than one nor more than twelve months, or fined not exceeding five hundred dollars.

CHAP. 859.—An ACT to amend and re-enact section 100 of the act passed January 16, 1896, entitled an act to incorporate the city of Newport News, in the county of Warwick.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section one hundred of the act passed January, eighteen hundred and ninety-six, entitled an act to incorporate the city of Newport News, in the county of Warwick, be amended and re-enacted so as to read as follows:

§ 100. The salary of the city engineer shall be fixed by the council at not less than six hundred dollars nor more than one thousand five hundred dollars per annum.

2. This act shall be in force from its passage.

CHAP. 860.—An ACT to remove the political disabilities of W. P. Bugg.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia (two-thirds of both branches concurring), That the disabilities of W. P. Bugg, incurred under clause three of section one of article three of the constitution of Virginia, with reference to duelling, be, and the same are hereby, removed.

2. This act shall be in force from its passage.

CHAP. 861.—An ACT in relation to officers and teachers of public free schools having any pecuniary benefit in furnishing books, &c., to public free schools in this state.

Approved March 5, 1896.

1. Be it enacted by the general assembly of Virginia, That section fourteen hundred and seventy-two of the code of Virginia be amended and re-enacted so as to read as follows:

§ 1472. Officers and teachers not to have any pecuniary interest in books to be supplied to schools.—No member of the board of education, nor any county superintendent of schools, nor school trustee,

nor any other school officer, nor any teacher of a public free school shall have any pecuniary interest, directly or indirectly, in any contract for building a public free school-house nor in furnishing material to a contractor for building such school-house, or in supplying books, maps, school furniture or apparatus to the public free schools of this state, nor act as agent for any author, publisher, bookseller or dealer in any such school furniture, or apparatus, or directly or indirectly receive any gift, emolument, reward, or promise of reward for his influence in recommending or procuring the use of any book, map, school furniture or apparatus of any kind in any public free school of this state. And any school officer or teacher who shall violate this provision, besides being removed from his post, shall be subject to a penalty of not less than ten nor more than five hundred dollars. Exceptions to the requirements of this act may be made by the board of education in the case of a school officer or teacher being the author of any school-book or map, or the inventor of school furniture or apparatus, in which case the board of education may, in its discretion, make specific arrangements whereby such school officer or teacher may, if his book, map, or invention be adopted by proper authority, enjoy the benefit of the proceeds thereof without offence; provided that no unfair advantage be allowed over other competitors in securing the adoption of the book, map, or invention.

2. This act shall be in force from its passage.

COMMISSIONERS OF DEEDS FOR VIRGINIA.

IN COMMISSION MARCH 15, 1896—TERM, TWO YEARS.

NAME AND STATE.	ADDRESS.	WHEN COM- MISSIONED.	WHEN QUALIFIED.
NEW YORK:			
Thomas B. Clifford . . .	206 Broadway	Mar. 31, 1894 .	Apl. 28, 1894
John A. Hillery	56 Wall street	Apl. 9, 1894 .	Apl. 11, 1894
Charles Edgar Mills . .	115 and 117 Broadway . .	May 5, 1894 .	May 7, 1894
Joseph C. Brame	120 Broadway	Aug. 21, 1894 .	Aug. 24, 1894
J. F. C. Grow	23 Broadway	Sep. 25, 1894 .	Sep. 26, 1894
George B. Dunn	182 Nassau street	Oct. 5, 1894 .	Oct. 19, 1894
William H. Humphrey . .	224 Church street	Feb. 13, 1895 .	Feb. 15, 1895
William H. Clarkson . .	115 Broadway	Apl. 5, 1895 .	Apl. 8, 1895
Joseph B. Brame	20 Broadway	June 22, 1895 .	June 24, 1895
Vincent Rosemon	277 Broadway	June 26, 1895 .	July 31, 1895
James E. Heath	16 Exchange Place	July 25, 1895 .	July 27, 1895
Rufus K. McHarg	137 Broadway	Aug. 7, 1895 .	Aug. 9, 1895
Edwin F. Carey	66 Wall street	Aug. 10, 1895 .	Aug. 14, 1895
Alfred Mackay	59 Cedar street	Sep. 21, 1895 .	Sep. 23, 1895
Eleazer Jackson	293 Broadway	Sep. 24, 1895 .	Sep. 27, 1895
Charles T. Lunt	470 Broadway	Oct. 18, 1895 .	Nov. 1, 1895
George H. Carey	66 Wall street	Oct. 28, 1895 .	Oct. 29, 1895
Peter F. Callahan	280 E. Forty-second street .	Feb. 26, 1896 .	Mar. 7, 1896
GEORGIA:			
G. H. Tanner	Atlanta	Mar. 21, 1896 .	
MARYLAND:			
W. H. H. Raleigh	Baltimore	Mar. 22, 1894 .	Mar. 24, 1894
J. Kemp Bartlett, Jr. . .	N. E. corner Baltimore and St. Paul sts.	July 21, 1894 .	July 24, 1894
George McCaffray	Baltimore	Oct. 24, 1894 .	Oct. 27, 1894
Thomas M. Dobblin	105 E. Fayette street, Baltimore	Feb. 16, 1895 .	Feb. 19, 1895
Murray Hanson	14 St. Paul street, Baltimore	May 1, 1895 .	May 3, 1895
G. Evelt Reardon	Corner Lexington and St. Paul, Balto. .	July 31, 1895 .	Aug. 3, 1895
PENNSYLVANIA:			
Albert E. Peterson	1406 Chestnut street, Philadelphia	July 12, 1894 .	July 17, 1894
Edward H. Cloud	S. E. corner Sixth and Walnut, Phil'a .	Dec. 14, 1894 .	Dec. 17, 1894
Thomas J. Hunt	623 Walnut street, Philadelphia	May 8, 1895 .	May 10, 1895
William Jenks Fell	181 S. Fifth street, "	July 9, 1895 .	Feb. 8, 1896
Charles W. Sparhawk . . .	400 Chestnut street, "	July 25, 1895 .	July 31, 1895
Samuel L. Taylor	1109 Betz Building, "	Sep. 18, 1895 .	Sep. 20, 1895
Kinley J. Tener	441 Chestnut street, "	Dec. 12, 1895 .	Dec. 18, 1895
George W. Hunt	623 Walnut street, "	Feb. 15, 1896 .	Feb. 17, 1896
LOUISIANA:			
John G. Eustis	26 Carondelet street, New Orleans . . .	June 18, 1894 .	June 23, 1894
M. C. Soniat	213 and 214 Fleming Build'g, New Orleans	Feb. 24, 1896 .	
DISTRICT OF COLUMBIA:			
John E. Mitchell	1321 F street, N. W., Washington	Apl. 9, 1894 .	Apl. 11, 1894
Charles S. Bundy	458 Louisiana avenue, "	July 9, 1894 .	July 11, 1894
Wm. M. Netherland	1300 Pennsylvania avenue, "	June 4, 1895 .	June 19, 1895
R. H. Evans	1321 F street, "	Oct. 18, 1895 .	Oct. 19, 1895
MASSACHUSETTS:			
Joseph B. Brame	Sears Building, Boston	May 28, 1894 .	June 8, 1894
Charles Hall Adams	23 Court street, "	Jan. 2, 1895 .	Jan. 5, 1895
Samuel Jennison	188 Washington street, Boston	Mar. 27, 1895 .	Apl. 4, 1895
Edward J. Jones	61 Court street, Boston	June 18, 1895 .	June 22, 1895

COMMISSIONERS OF DEEDS FOR VIRGINIA—CONTINUED.

NAME AND STATE.	ADDRESS.	WHEN COM- MISSIONED.	WHEN QUALIFIED.
ILLINOIS:			
Mark A. Foote	314 Chamber of Commerce, Chicago . .	Dec. 4, 1894 .	Dec. 12, 1894
Wirt E. Humphrey . .	551 Monadnock Block, " . .	June 3, 1895 .	June 6, 1895
CONNECTICUT:			
Henry E. Tainter . . .	Hartford	Nov. 8, 1895 .	Nov. 13, 1895
Livingston W. Cleaveland	New Haven	Dec. 12, 1895 .	Dec. 14, 1895
NORTH CAROLINA:			
F. W. Ritter	Mayock	May 29, 1895 .	May 30, 1895

GENERAL STATEMENT.

PUBLIC DEBT—SEPTEMBER 30, 1895.

PRINCIPAL.

The amount of bonds and certificates issued under acts of February 14, 1882, and November 29, 1884, bearing 3 per cent. per annum interest, is	\$9,289,087 17
Of which there has been received in settlement of indebtedness to the State and cancelled:	
From the Richmond and Danville Railroad Comp'y, \$438,899 45	
From the Upper Appomattox Company	10,864 26
From defaulting officers and their sureties	150,940 30
Amount cancelled	600,704 01
Leaving	\$8,688,383 16
The amount reported September 30, 1892, of these bonds held by the Commissioners of the Sinking Fund and cancelled under the provisions of the act of February 20, 1892, was .	2,857,576 60
Leaving total amount outstanding	\$6,330,786 56
Of which there is held by the Literary Fund	\$1,430,327 28
And there is in the hands of the public	4,900,459 28
	<u>\$6,330,786 56</u>
The coupon bonds under these acts are transferable to registered bonds, and registered bonds to coupon bonds, at the pleasure of the holders, on the payment of a fee of fifty cents for each new bond issued.	
The amount of each class outstanding October 1, 1895, is as follows:	
Coupon bonds	\$3,203,500 00
Registered bonds	3,125,700 00
Fractional certificates	2,381 40
Total	\$6,331,581 40
Amount reported as above	6,330,786 56
Error	\$ 794 84
The bonds reported September 30, 1892, as held by the Board of Public Works, amounting to \$174,200, have been sold for the purpose of erecting a building for a State Library and other public offices, and are included in the above amount, stated to be in the hands of the public.	

The amount of bonds and certificates issued under act of February 20, 1892, and under that act as amended by act of January 31, 1894, bearing 2 per cent. per annum interest, is	\$17,677,253 54
Of which there has been received from defaulting officers and their sureties and cancelled	<u>1,551 00</u>
Leaving	17,675,702 54
Of which there is held by the Commissioners of the Sinking Fund, purchased under act of February 12, 1894	\$337,000 00
And by the Literary Fund	<u>31,500 00</u>
	368,500 00
Leaving in the hands of the public	17,307,202 54
The coupon bonds under these acts are transferable to registered bonds, and the registered bonds to coupon bonds, at the pleasure of the holders, on the payment of a fee of fifty cents for each new bond so issued.	
The amount of each class outstanding October 1, 1895, is as follows:	
Coupon bonds	\$14,000,000 00
Registered bonds	3,670,000 00
Fractional certificates	<u>5,702 54</u>
Total	<u>\$17,675,702 54</u>

PRINCIPAL AND INTEREST OUTSTANDING.

Which has not been funded under act of February 14, 1882, or act of February 20, 1892.

The amount of bonds and certificates outstanding October 1, 1895, issued under acts passed prior to February 14, 1882, (the unfunded bonds reduced one-third for West Virginia's portion) is	\$1,028,217 74
The amount of interest outstanding due to and including July 1, 1891, exclusive of any interest that may be unpaid on bonds issued under acts of February 14, 1882, and February 20, 1892, is	<u>1,624,252 67</u>
	\$2,652,470 41
There is held by the United States, in trust for certain Indian tribes, bonds of the State of Virginia, which, with interest to July 1, 1891, amount to \$1,495,678, two-thirds of which—viz., \$997,118.67—deducted from the above amount of \$2,269,281.22, leaves	<u>\$1,655,351 74</u>

REPORT.

Synopsis of the financial operations of the Treasury for the fiscal year ending the 30th day of September, 1895.

On account of the Commonwealth:		
Balance on hand October 1, 1894	\$ 147,328 01	
Received in fiscal year 1894-'95	3,333,139 36	
	<u>\$3,480,465 01</u>	
Disbursed in fiscal year 1894-'95	3,408,496 35	
Balance on hand October 1, 1895		\$ 71,969 02
On account of Literary Fund:		
Balance on hand October 1, 1894	\$ 155,030 28	
Received in fiscal year 1894-'95	262,747 64	
	<u>\$ 417,777 92</u>	
Disbursed in fiscal year 1894-'95	206,950 41	
Balance on hand October 1, 1895		210,827 51
On account of interest on Public Debt:		
Balance on hand October 1, 1894	\$ 4,464 56	
Received in fiscal year 1894-'95	722,401 32	
	<u>\$ 726,865 88</u>	
Disbursed in fiscal year 1894-'95	726,660 44	
Balance on hand October 1, 1895		205 44
On account of Sinking Fund:		
Balance on hand October 1, 1894	\$ 273,949 63	
Received in fiscal year 1894-'95	44,068 47	
	<u>\$ 318,018 10</u>	
Disbursed in fiscal year 1894-'95	11,145 55	
Balance on hand October 1, 1895		306,872 55
On account of Miller Fund:		
Balance on hand October 1, 1894	\$ 23,042 06	
Received in fiscal year 1894-'95	72,111 66	
	<u>\$ 95,153 72</u>	
Disbursed in fiscal year 1894-'95	75,135 03	
Balance on hand October 1, 1895		20,018 69
Total balance in the Treasury to the credit of the several funds, October 1, 1895		\$609,893 21

TIMES FOR THE MEETINGS

OF THE SUPREME COURT OF APPEALS AND CIRCUIT COURTS OF VIRGINIA.

SUPREME COURT OF APPEALS

Meets at Richmond on November 5th, January 5th, and March 5th.

At Wytheville June 10th.

At Staunton September 10th.

CIRCUIT COURTS.

COUNTIES AND CITIES.	WHEN TERM COMMENCES.
Accomac	First Tuesday in April and October.
Albemarle	February 1st, May 10th, October 10th.
Alexandria county	Fourth Monday in May and Wednesday after first Monday in November.
Alexandria city	Third Monday in March and fourth Monday in September.
Alleghany	March 25th and August 25th.
Amelia	March 10th and September 10th.
Amherst	May 25th and November 25th.
Appomattox	April 1st and October 1st.
Augusta	May 10th and November 10th.
Bath	April 25th and September 25th.
Bedford	May 20th and second Monday in October.
Bland	Second Monday in May and third Monday in November.
Botetourt	January 20th, May 23d, October 22d.
Brunswick	January 10th, April 10th, October 10th.
Buckingham	April 25th and October 25th.
Buchanan	Fourth Monday in February, May and September.
Campbell	March 20th and November 5th.
Caroline	March 10th and September 10th.
Carroll	Fourth Monday in April and Wednesday after first Monday in November.
Charles City	Fourth Tuesday in March and September.
Charlotte	March 20th and September 20th.
Charlottesville	
Chesterfield	February 15th, May 15th, and November 15th.
Clarke	February 1st, May 20th, and October 20th.
Craig	May 1st and October 15th.
Culpeper	March 15th, June 15th, and November 15th.
Cumberland	May 7th and November 7th.
Danville	January 15th and May 25th.
Dickenson	Second Monday in February, May and October.
Dinwiddie	March 21st and September 21st.

CIRCUIT COURTS—CONTINUED.

COUNTIES AND CITIES.	WHEN TERM COMMENCES.
Elizabeth City	Third Tuesday in March and September.
Essex	March 1st and September 1st.
Fairfax	Second Monday in June and November.
Fauquier	Tuesday after first Monday in September, Second Monday in December, and Tuesday after first Monday in April.
Floyd	April 16th and November 16th.
Fluvanna	April 10th and September 20th.
Franklin	May 10th and October 20th.
Frederick	March 10th, June 7th, and November 15th.
Fredericksburg	May 10th and November 10th.
Giles	Fourth Monday in May and first Monday in October.
Gloucester	Second Wednesday in April and October.
Goochland	April 1st and September 10th.
Grayson	Tuesday after second Monday in April and Tuesday after third Monday in October.
Greene	June 5th and November 5th.
Greensville	January 20th, April 20th, and October 20th.
Halifax	April 1st and September 1st.
Hanover	April 26th and October 26th.
Henrico	Third Monday in January, first Monday in May, and first Monday in October.
Henry	June 5th and October 10th.
Highland	May 3d and October 3d.
Isle of Wight	Fourth Monday in April and October.
James City and city of Williamsburg	Third Tuesday in May and November.
King George	March 30th and September 30th.
King and Queen	Second Wednesday in May and November.
King William	April 1st and October 1st.
Lancaster	Second Wednesday in March and September.
Lee	First Monday in March, June, and November.
Loudoun	Fourth Monday in April, third Monday in October, and third Monday in January.
Louisa	March 20th and September 20th.
Lunenburg	May 17th and November 17th.
Lynchburg	April 10th and November 15th.
Madison	April 20th and October 1st.
Manchester	
Mathews	Third Wednesday in March and September.
Mecklenburg	May 27th and November 27th.
Middlesex	Fourth Thursday in April and October.
Montgomery	May 10th and November 28th.
Nansemond	Tuesday after second Monday in April and October.
Nelson	March 1st and September 1st.
New Kent	Second Tuesday in May and November.

CIRCUIT COURTS—CONTINUED.

COUNTIES AND CITIES.	WHEN TERM COMMENCES.
Newport News.	Second Tuesday in March and September.
Norfolk county	Second Monday in March and September.
Norfolk city	Second Monday in May and November.
Northampton	Third Tuesday in April and October.
Northumberland.	Fourth Wednesday in May and November.
Nottoway	March 28th and September 28th.
Orange	May 1st and October 25th.
Page	February 15th, May 1st, and October 1st.
Patrick	June 15th and October 1st.
Petersburg	February 5th, June 5th, and December 5th.
Pittsylvania	April 25th and November 30th.
Portsmouth	First Monday in May and November.
Powhatan	April 17th and October 17th.
Prince Edward	March 1st and September 1st.
Prince George	May 7th and November 7th.
Princess Anne	First Monday in April and October.
Prince William	Second Monday in October and May.
Pulaski	Third Monday in March and October.
Rappahannock	Tuesday after third Monday in May and Tuesday after third Monday in November.
Richmond city	First Monday in February and third Monday in May and October.
Richmond county	April 18th and October 18th.
Roanoke county	April 1st and October 1st.
Roanoke city	Second Monday in January, April, July, November.
Rockbridge	March 1st and September 1st.
Rockingham	April 1st and October 10th.
Russell	First Monday in March, August, and November.
Scott	Third Monday in March, June, and November.
Shenandoah	January 15th, April 1st, and September 1st.
Smyth	Third Monday in March and August and first Monday in December.
Southampton	Fourth Monday in March and September.
Spotsylvania	May 6th and November 6th.
Stafford	April 6th and October 6th.
Surry	May 30th and November 30th.
Sussex	April 30th and October 30th.
Tazewell	First Monday in April, fourth Monday in August, and first Monday in December.
Warren	February 25th, May 10th, and October 10th.
Warwick	First Tuesday in March and September.
Washington	First Monday in January and fourth Monday in April and September.
Westmoreland.	April 13th and October 13th.
Winchester	
Wise	First Monday in April, September, and December.
Wythe	Second Monday in February and second Monday in September.
York	Fourth Tuesday in April and October.

ERRATA.

Page 154, printed acts, chapter 131, the words and figures which appear in the title as follows, "*Approved March 2, 1892,*" should evidently read "*Approved March 2, 1894.*"

Page 177, chapter 151, reads "*He shall also certify to decrees.*" The word "to" is a typographical error, should be "*the.*"

Page 584, chapter 552, should read as follows: "*That the circuit courts for the several cities,*" &c.

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